

Freemen, Sovereign Citizens, and the Challenge to Public Order in British Heritage Countries

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Abstract¹

Throughout the English-speaking world, an extremist antigovernment movement comprising unknown thousands of people and numerous particular groups is rejecting the authority of law enforcement, the courts, and banking. Two such groups that are receiving increased attention from law enforcement and the media are called the Freemen and Sovereign Citizens, and boundaries between these two groups (and several others) are fluid. Sociologically, Freemen and Sovereign Citizens have their origins back with American racist and radical antigovernment movements in the 1960s and 1970s. They gathered greater support during the American farm crisis during the late 1970s and 1980s, and also during an interest-rate crisis in the United States and Canada during the same period. Psychologically, some members may adopt these groups' ideologies because of personality disorders that skew the members' perceptions of self in relation to the world. In any case, because adherents see the state as a corporation with no authority over free citizens, members are belligerent toward any authority figures such as police, judges, park rangers, tax collectors, and court clerks whom they see as state agents. American police have had several deadly exchanges with members, and Canadian courts have issued two long decisions concerning them and their "paper terrorism" tactics (i.e., flooding courts with bogus, Freemen-generated "legal" documents). Various claiming authority from the Bible, British common law, and international maritime law, Freemen and Sovereign Citizens

throughout the English-speaking world have connected through the Internet and now have non-North American adherents in the United Kingdom, Australia, and New Zealand.

Introduction

Antigovernment sentiments in North America cover a wide spectrum of beliefs and actions. They range from critical comments among friends to public statements of displeasure, to social protest, to individuals actively training to fight against government forces, to criminal attacks against government property and politicians. Among the most extreme and sometimes violent of the antigovernment groups are ones variously called the Freemen² or Sovereign Citizens, all of whose adherents believe that existing government is illegitimate and holds no legal authority over them. Comprising largely middle-aged or older males (Anti-Defamation League, 2010, p. 11),³ these groups have been disrupting law enforcement and judicial procedures for decades, and recently have caught again the attention of scholars and the media (not the least because of their heightened exposure on the Internet and the violent actions of some adherents, primarily in the United States). With a considerable degree

²The terms *Freemen* and *Freeman* both occur in reference to these groups in the literature and common usage, and vary depending on local usage and history of the respective groups.

³ MacNab (2011, p. 12) broke down the generational appeal of the different Freemen and Sovereign Citizen-related groups as follows: "Sovereigns over the age of 60 most likely joined the movement following a personal bankruptcy or argument with government tax collectors. Those in the 35 to 60 year old age group likely joined when they ran into trouble with a mortgage foreclosure or other debt problem. The youngest and newest recruits are either 1) children of sovereigns who were indoctrinated into this absurd belief system by their family, or 2) they were introduced to the belief system through an online conspiracy source such as the '9/11 Truth Movement.' This last group believes that the Bush administration was secretly behind the tragic events of 9/11."

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of certainty, one can say that their numbers have grown in recent years, and an organization that monitors them indicates that 50 extremist anti-American government groups operated in 2008, and then nearly 200 in 2010 (2010, p. 2). Another monitoring group estimates that 100,000 “hard core” American sovereigns exist, with another 200,000 people showing various levels of involvement (Sovereign Citizens Movement, 2013, p. 2). No general membership figures exist for Canada, but a late 2010 Facebook page (which only is a crude indicator of membership or interest) for one of the antigovernment groups, the Freemen, listed more than 2,000 members (Bell, 2010). A growing body of research exists about these movements in the United States and Canada (see, for example, State Justice Institute, 1999); less information is available about them in other parts of the English-speaking world.

I provide an overview of the international antigovernment movements related to the Freemen and Sovereign Citizens, identifying key arguments and tactics that adherents use (especially in the United States and Canada). Taking advantage of a growing body of articles, reports, and court cases, I identify the probable origins of the North American Freemen- and Sovereign Citizen-related movements in the hostility toward government that appeared in the American Midwest in the late 1960s. This hostility grew during the American farmers’ crash of the 1980s and the corresponding jump in interest rates in the United States and Canada in that same decade. Subsequent financial crises involving mortgages and banking have occurred in the closing years of the past century and the opening ones of this century, any one of which likely could have delegitimized government and banks in the eyes of persons who felt victimized by national and international political and financial policies. Seen as victims of national and international policies that developed within poorly regulated capitalism, some members have invented forms of resistance that have parallels among relatively powerless peoples in various cultures and historical periods who have opposed social groups whom they perceived to be their oppressors. Continuing in this vein, I suggest that recent farm crises in the United

Kingdom, New Zealand, and Australia might contribute to the creation of extremist antigovernment citizens in these countries. I conclude with reflections upon antigovernment extremism’s social, political, and economic impact on the societies that they oppose. I mention, however, a competing claim for these movements’ origins, which lies in the disordered, paranoid, or mentally ill minds of people who project the causes of their own life difficulties onto the state and its authorities.

A Classification of the Different Antigovernment Movements

A partial, but useful, classification of some extremist antigovernment groups appears in a recent court decision written by a judge in Edmonton, Alberta, Canada for a divorce and matrimonial-property case in which the respondent participated in one or more of the groups. Focusing on the court implications of these groups, Associate Chief Justice J. D. Rooke of the Court of Queen’s Bench of Alberta called the adherents to the groups “Organized Pseudolegal Commercial Argument (OPCA) Litigants” (Rooke, 2012, para. 1; see Cardwell, 2013). Rooke’s fivefold classification of the different types of litigants provides a platform from which to identify and discuss a select range of antigovernmental beliefs and behaviors associated with these people; but we must keep in mind that no belief or behavior is exclusive to a particular litigant type. Particular adherents move in and out of the fivefold litigant typology.

First, the “detaxers ... focused almost entirely on avoiding income tax obligations” (Rooke, 2012, para. 169). Politically, they came from both left-wing and right-wing backgrounds, (para. 170), and often were professionals or business people who had significant incomes (para. 171). The often-higher economic income of many detaxers contrasts with the generally “lower income and/or occupational and employment context[s]” of people in the other groups (para. 171).

In America, a history of tax resistance traces back at least as far as Shays’ Rebellion in the winter of 1786–1787, when poor farmers in the western part of Massachusetts blocked county courts from meeting (and hence, from

collecting) debts, and then rose in open rebellion (which the Massachusetts militia suppressed [see Szatmary, 1980]). In the contemporary period,

[d]uring the 1970s, stagnant incomes, resentment against poor and minorities who received welfare, and inflation-induced “bracket creep” that drove up tax rates sharpened this traditional [antitax] sentiment. By 1980, the proportion of Americans who viewed their federal income taxes as “too high” reached a record level. In addition, Social Security taxes and state and local income and property taxes rose sharply during the 1970s. Growing antitax sentiment among Americans of modest means dovetailed with the antitax beliefs of supply siders and other economic conservatives. The “tax revolt” that began in California in 1978 put the antitax agenda on the front burner of American politics. (Schaller, 2007, p. 42)

Tax resistance became a movement unto itself, but it also blended into the ideologies of groups within the broader antigovernment movement.

Although other forms of the OPCA movement are more prone to violence, detaxers committed a vicious attack against a California court clerk in the mid-1990s for refusing to accept self-made court documents that numerous antigovernment groups (especially Sovereign Citizens) were submitting to courts. In 1997, the court clerk, Karen Mathews, wrote about the attack against her in a letter to *The New York Times*:

“Lady, you would be so easy to kill.” More than three years later, these words still haunt me. My assailant growled this threat as I lay in the darkness on the floor of my garage, stunned and dazed from being beaten, kicked and knifed. Then he put a gun to my head and dry-fired it several times.

This was no random attack or botched burglary. The man who all but killed me was a member of a disciplined organization with a specific mission.

And bizarre as it may seem, I was a target because of my job. I am the elected clerk-recorder of Stanislaus County in central California, a sleepy-sounding title until paramilitary groups discovered that harassing and intimidating officials like me is a way to attack the basic workings of government. One of their tactics is to try to file liens against the property of Internal Revenue Service employees and other officials they regard as the enemy.

In California alone, clerk-recorders in 49 of the state’s 58 counties have reported incidents ranging from fist-pounding intimidation to threats of physical harm. This is part of a guerrilla war against democracy going on far below the level of an Oklahoma City bombing. I often felt while following the trial of Timothy McVeigh that the events are related in spirit if not in fact.

It is difficult to comprehend or convey the anger and crazy sense of misguided patriotism embraced by these people. For example, after I refused to record one man’s illegal “common law” lien, he told me, “You are guilty of treason.” He then snarled, “I am a sovereign citizen of the Republic of California, not the corporate United States, and the laws you enforce restrict my God-given rights.”

I find it hard to discuss some of the details of what happened to me. But I feel an anger that won’t go away, not only against the self-styled patriots who harass us, but also against those who express or tolerate a certain “populist” support for anti-government extremism (Mathews, 1997; reprinted 2010).

Nine persons, all of whom were associates or members of a Christian-sounding radical detaxing group called the Juris Christian Assembly, were convicted of assaulting Mathews and committing related crimes (Trott, 1999; see Hallissy, 1995). Soon we shall see that the language and self-identification that Mathews’s attacker used is common among

OPCA members. Perhaps as many as 500,000 tax protesters fight with the Internal Revenue Service over payment issues, but by no means are all of them related to extremist, violent antigovernment OPCA litigants (Sovereign Citizens Movement, 2013, p. 2).

Second, the Freemen-on-the-Land movement is “strongly antigovernment, and has libertarian and right-wing overtones. Christian rhetoric is common” (Rooke, 2012, para. 171), and (according to Rooke) it is a Canadian creation that “spread to other common-law jurisdictions,” which include the United Kingdom, Australia, and New Zealand” (para. 173). Adherents believe that “they can ‘opt out’ of societal obligations and do as they like” (para. 174). Many claim that “they have an unrestricted right to possess and use firearms” (para. 175; see O’Flanagan, 2012) and the Canadians

...parallel the American Sovereign Man community. Both engage in a broad range of OPCA activities directed towards almost any government or social obligation. Both habitually use ‘fee schedules’, and advance claims and liens against state, police, and court actors. Many apply the ‘everything is a contract’ approach and so are extremely uncooperative in and out of court. (Rooke, 2012, para. 175)

“Fee schedules” are similar to fines that Freemen and others attempt to impose upon “state, government, and court actors” if “a certain legal procedure or result occurs, or law enforcement personnel engage in certain conduct” (Rooke, 2012, para. 505). Claims that “everything is a contract” refer to the argument that an OPCA litigant may use, which claims that “he or she has no obligation unless the litigant has explicitly formed a contract for that obligation” (para. 388).

Third, the “Sovereign Men/Sovereign Citizen movement is the chief U.S. OPCA community,” but they have appeared in the Canadian province of Ontario (Rooke, 2012, para. 176). Sometimes they call themselves “‘constitutionalists,’ ‘freemen,’ and ‘state citizens’” (Anti-Defamation League, 2010, p. 4). For these people, governments are mere corporations

attempting to entangle them in unwanted contracts (see Rooke, 2012, para. 178). They can be violent (see Kent & Willey, 2013, pp. 320–330), and they are noted for flooding courts with their own pseudolegal documents—a technique called “paper terrorism” (Fleishman, 2004; Rooke, 2012, para. 181; see Rosenfeld, 2011, pp. 97–98).

Fourth, an Edmonton, Alberta religious group called The Church of Ecumenical Redemption International (CERI) claims a religious right to use marijuana, and uses religious language to justify its exemption from governmental and court authority (Rooke, 2012, para. 183–186). For example, in 2006, court officials had to drag church member Karen Ponto out of a Saskatchewan provincial court for refusing to participate in a case involving two counts of her violation of a child-custody order, after which church members accused the judge of having committed treason (Christian faith..., 2006).

Fifth and finally, some followers of the Moorish Law community (in groups such as the Moorish Nation,⁴ the United Mawshakh Nation of Nuurs,⁵ and the Washitaw Nation⁶) exempt themselves from governmental authority (Anti-Defamation League, 2005, p. 8), and permit themselves the right to engage in fraudulent

⁴ “The Moorish Nation is a collection of sovereign citizen organizations, espousing the Islam religion, from the Moorish Science Temple of America.... These organizations make up what members refer to as the ‘Moorish Divine and National Movement of the World.’ Members consider themselves a free people under English ‘common law.’ Members of the Moorish Nation use this perceived immunity to justify refusal to pay taxes, buy auto insurance, and defraud banks” (*ROCIC Special Research Report*, 2009, p. 2).

⁵ I cannot find any information on this group other than a passing reference to it that implies it borrows from “various New Age philosophies” (Anti-Defamation League, 2005, p. 7).

⁶ The Washitaw Nation/Empire “emerged in Louisiana and Texas in the mid-1990s and was most popular during that decade. It is one of several sovereign citizen groups that are essentially Moorish in nature but also claim ‘native’ status. Washitaw members claim they are descendants of the ancient mound-builders of the Mississippi Valley. Members have created license plates, diplomatic identification cards and similar fictitious sovereign citizen documents” (Anti-Defamation League, 2010, p. 23, see p. 28 on the fictitious tribe, the Little Shell Pembina Band of North America, that both American and Canadian authorities shut down for running a pyramid scheme). Sovereign Citizens exist within the Asian, Hispanic, and native Hawaiian communities (Anti-Defamation League, 2010, p. 11).

financial and property schemes (see Calabrese, 2012). Essentially, these schemes promise followers that they can obtain housing (and in other instances, eliminate their debts or make money) by following bogus programs and procedures and filing meaningless documents with courts. This community

...is a predominately American offshoot of urban American black [M]uslim churches such as the Nation of Islam.⁷ They claim that black [M]uslims who self-identify as “Moors” are not subject to state or court authority because they are governed by separate law, or are the original inhabitants of North and South America. (Rooke, 2012, para. 190, 311)

In 2013, a media report indicated that a Moorish national had moved into a large mansion in Bethesda, Maryland (which is a suburb of Washington, DC) that was for sale for nearly \$6 million, using documents from the so-called “Moorish National Republic” to substantiate his actions. Eventually the Moorish national, Lamont Butler/Lamont Maurice El, moved out, but he was facing burglary, theft, and fraud charges for his actions (Moorish Nationals, 2013).

Squatting is not limited to people in or related to the Moorish movement—Freemen-on-the-Land adherents sometimes do it, too. In February 2012, two people in North Bay, Ontario who had become involved with the Freemen received suspended sentences for moving into a house that they did not own. Prospective buyers found

⁷ As worded, one might get the incorrect impression that the original Moorish Nation Temple of Science (soon called the Moorish Science Temple of America) was an offshoot of the Nation of Islam/Black Muslims. It was not, although it began only a few years before the Nation of Islam’s founding and held to similar goals. “The Moorish Science Temple of America (originally the Moorish Temple of Science) was organized in 1925 in Chicago and was legally incorporated in Illinois on November 29, 1926. Noble Drew Ali (born Timothy Drew, d. 1929) was the founding prophet and ultimate authority of the movement.... In Ali’s teachings, Islam became a means by which black Americans could strip themselves of the stigma associated with the color of their skin so that they could play a greater role in society” (GhaneaBassiri, 2010, p. 218–219. Regarding the Black Muslims, a man “known variously as David Ford, Wallace D. Fard, and Fard Muhammad, went to Detroit in 1930 where he began to preach his own version of Islam. This led to the formation of the Nation of Islam” (GhaneaBassiri, 2010, p. 223).

the man and woman living in the property with “no trespassing” signs on the outside, and the couple had given “notice to ‘Agents and Officers under Foreign Jurisdiction’ [that] claimed the property and content were held under ‘claim of right’ and warned of a \$5,000 fee for entering” (Calabrese, 2012, p. 1). By the time of the trial, the couple had disassociated themselves from the Freeman movement, with one of them describing their indoctrination into the movement as brainwashing (p. 1).

Origins of the Extremist Antigovernment Movement

We have numerous studies of the antigovernment movement from various social agencies and legal writers; what we now need are ethnographies of members in more of these movements, in which they speak about when and why they became involved.⁸ Until we have this additional information, discussions about the origins of the OPCA antigovernment movements remain speculative. What we can do, however, is identify any preceding movements whose doctrines and teachings resemble what appears in the current situation.

The one preceding organization whose doctrines bore striking resemblance to ones held by the contemporary OPCA antigovernment groups is the Posse Comitatus, founded in Portland, Oregon in 1969 by Henry Beach, who had been a member of the pro-Hitler Silver Shirts in the United States during the 1930s (Stern, 1996, p. 50). The doctrines that his group developed combined antitaxation with government takeover conspiracies, anti-Semitism, and a virulent hatred of officials above a county level. (The term *posse comitatus* meant “power to the county,” so even federal park rangers were illegal agents in Posse members’ eyes.) Posse literature contained discussions about building a scaffold for lynching government officials who committed “unconstitutional” acts (p. 51). Many members prepared for war through training

⁸ I have no illusions, however, about how difficult it may be to obtain firsthand accounts. A graduate student of mine attempted to solicit anonymous information from people who posted in an online Freemen chat group, and only one person sent her detailed information.

exercises that may be the forerunners of what many contemporary militia movements do, and in 1983 fugitive Posse member Gordon Kahl died in a shoot-out and fire after he had killed three police (pp. 52–53).

Very similar sentiments, along with occasional murderous violence, appeared in Freeman behavior toward legal officials in the mid-1990s. In support of a militia member whose failure to pay taxes led to his loss of property, angry Freeman walked through a courthouse and near the judge's chambers after the police had a tip that they wanted to lynch a judge (Stern, 1996, p. 91). Just as Posse Comitatus member Gordon Kahl killed his initial two police victims when officers tried to arrest him, so too have Sovereign Citizens in the United States killed police—with seven officers dying in confrontations (often during routine traffic stops) involving them (Sovereign Citizens, 2011; see Anti-Defamation League, 2005, p. 1; Sovereign Citizens Movement, 2013).

Social and Economic Conditions That Might Have Fostered Extremist Antigovernment Sentiment

Much of the final quarter of the twentieth century, and then the years in this new millennium, have been strewn with such dire economic catastrophes that capitalism itself has seemed to be unraveling. Within the resulting economic hardships that have hit (especially American) farmers and other ordinary citizens, antigovernment movements have flourished, giving victims at least some explanation (however inaccurate) of the causes of their plights. The farming crisis during the 1980s, for example, had multiple causes, and its impact upon rural America was devastating. Economically and politically,

...[t]he years 1981–1986 were a defining period for agriculture in the United States. During this time, the farm sector experienced its worst financial crisis since the Great Depression of the 1930s. The resulting turmoil cost many farm families their vocations, lifestyles, and accumulated wealth. While farm families were the hardest hit, impacts were felt throughout rural communities.

Also affected were those economic sectors that support production agriculture, such as manufacturing and marketing of agricultural inputs, and most notably, agricultural finance. (Barnett, 2000, p. 366; see Rosenfeld, 1997, pp. 78–79)

An estimated 235,000 American farms failed during the mid-1980s, dragging down with them an estimated 60,000 supportive and surrounding businesses. (Gorelick, 2000, p. 2)

During this same time, Canadians experienced a dramatic rise in interest rates, from 10.31% in August 1978 to 21.46% in September 1981. Many people who had to renegotiate their mortgages during this period simply could not do so. I am unable to find an exact number of property foreclosures during this period, but one analysis of Canadian mortgage history concluded that “Clearly, many established owners were defaulting on their mortgages, unable to make payments on homes purchased in the optimistic late 1970s in the restrained 1980s” (Evolution of the mortgage market, n.d., p. 5).

During the American farm crisis of the 1980s, a number of banks that were dependent upon the payments of farmers' debts and mortgages failed, but the major banking crisis during this period overlapped with the farming crisis. Called the Savings and Loan Crisis, “between 1986–1995, over 1,000 banks with total assets of over \$500 billion failed. By 1999, the Crisis cost \$153 billion, with taxpayers footing the bill for \$124 billion, and the S&L [savings and loans] industry paying the rest” (Amadeo, 2014).

Even larger was the bank crisis in 2008, which led to a government bailout of \$700 billion (Madrack, 2013, p. 14) to various banks, financial institutions, and corporations. Coupled with this bank crisis was another real-estate crisis, with approximately 3.9 million foreclosures occurring in the United States between September 2008 and December 2012 (Number of Foreclosures Down, 2012), and involving 10 million people (Michaels, 2013, p. 1). A shocking number of these foreclosure victims, however, lost properties illegally, and the current Democratic Senator from Massachusetts, consumer advocate Elizabeth

Warren, outlined how the illegal foreclosure unfolded:

Back in October 2010, the press broke the news that several giant banks had violated the law while foreclosing against homeowners. It wasn't just a technical error here or there. The banks had flat-out lied, over and over and over. Foreclosure is a complicated process for a very good reason: The law requires safeguards to make sure that a family isn't thrown out of their home by mistake. But it took time and resources for the banks to comply, so several of the big banks had apparently decided just to ignore many of those laws. "Robo-signing" was rampant: one loan officer famously testified that he signed off on ten thousand foreclosures *every month* [for 5 years]. Documents had been falsified, and tens of thousands of families had been trapped in a nightmare of lost paperwork and endless delays that had turned their lives upside down and landed many out in the street. The stories were genuinely awful. (Warren, 2014, p. 197; see p. 320 [italics in original])

Warren added that "[o]ne study found that banks failed to provide ownership of the underlying mortgage in 40 percent of the foreclosure bankruptcy cases" (2014, p. 320).

Having been caught committing massive fraud, 10 American banks (in January 2013) agreed to pay "3.8 million victims up to \$125,000 depending upon the extent of the bank abuse" (Michaels, 2013, p. 1). Not surprisingly, "[c]ritics believe that the settlement does not do enough to restore justice for families suffering from criminal lending by banks" (p. 2). One can sympathize with citizens viewing the government, the banks that it supposedly regulates, and the judicial system that supposedly ensures justice, as illegitimate and conspiratorial against ordinary people. In line with the actions of some OPCA adherents (albeit for different motives), an Occupy Homes movement sprang up in 2011, involving homeowners and sympathetic activists

demanding justice in the procedures by living in houses facing foreclosure, despite the risk of intimidation and arrest by police (p. 2). To the extent that the Anti-Defamation League is correct in identifying both "people who are financially stressed" and "people who are angry at government, especially government regulation" (Anti-Defamation League, 2010, p. 10) as ones most likely to join antigovernment movements, then recent political and economic events in America (and to some degree, Canada) have contributed heartily to the growth of these groups.

From a strictly sociological perspective, the Sovereign Citizens and Freeman-related groups are part of a movement of "resistance and rebellion" (Robbins, 2005, p. 293ff.) that share characteristics with anticolonialist movements that fought superordinate groups over the capitalization of agriculture (in the 1970s) and land (in the 1970s and the more recent housing crises). Writing about peasant movements of resistance, James C. Scott summarized the social and economic conditions that gave rise to them:

It has been capitalism that has historically transformed societies and broken apart existing relations of production. Even a casual glance at the record will show that capitalist development continually requires the violation of the previous "social contract" which in most cases it had earlier helped to create and sustain.... The history of capitalism could, in fact, be written along just such lines. The enclosures, the introduction of agricultural machinery, the invention of the factory system, the use of steam power, the development of the assembly line, and today the computer revolution and robotics have all had massive material and social consequences that undermined previous understandings about work, equity, security, obligation, and rights. (Scott, 1985, p. 346, as cited in Robbins, 2005, p. 307).

Issues that gave rise to the Freeman and Sovereign Citizens' forerunners in the 1970s, the Posse Comitatus, involved enormous jumps in

interest rates as banks reacted to global political and trade realities; but these increases crippled farmers, many of whom had taken out low-interest loans only a few years before. Bankers showed no mercy (in the form of flexible repayment schedules), and they used their lawyers, courts, and local law enforcement to foreclose on family farms across the Midwest. Among the foremost beliefs among the popular ideologies of an agrarian farmer is “the peasant’s belief in his right to land” (Rudé, 1980, p. 30), and that belief continues in the minds of contemporary farmers and even suburban and urban homeowners.

Within the Freemen and Sovereign Citizens, structures of resistance to the American government’s policies toward land and finance date back into the 1970s, when groups such as the Posse Comitatus and the California-based antitaxers, the Committee of the States (from 1984 to 1988 [Paranoia and Patriotism, 2012]) established common-law courts (Durham, 2000, p. 140). Flooding courts with documents (i.e., *paper terrorism*) and placing liens against local officials also date back some forty years, as does the desire to establish adherents’ own court jurisdictions, which Freemen attempted in Montana in 1995 (Durham, 2000, pp. 140–141; see Coppola, 1996, p. 62; Rosenfeld, 1997, 2000, 2011; Wessinger, 1999, pp. 37–42, 2000, pp. 36–38;). Having felt betrayed by layers of government that refused to protect them from harsh and often illegal banking practices that courts supported and police enforced, Freemen and Sovereign Citizens established what they saw as competing organizations that challenged the state. Ineffective as these challenges may be, their operation and the behavioral norms associated with them (such as refusing the authority of judges and police) provide “everyday forms of resistance” (Scott, 2008, p. 33) that reinforce their alienation from, and rejection of, significant social norms associated with institutions that they feel have failed them.

The British and Irish Freemen Debate⁹

Nowhere in the Western world is farming a stable source of income, and farmers outside of the United States certainly face difficulties that reflect climatic conditions in interaction with governmental policies and increasingly global pressure. For example, in the 2 years preceding the year 2000, “UK farm income ha[d] dropped by as much as 75 percent..., driving more than 20,000 farmers from the land” (Gorelick, 2000, p. 1). In 2001, 90% of British farmers felt the impact of the foot-and-mouth disease outbreak (Rayner, 2013b, p. 1), but current problems are greater. The gravity of current problems stem from the “appalling weather” (most recently, floods) combined with more animal illnesses (Hunt, 2013), leading to income reductions of between 40% and 50% of previous levels (Rayner, 2013b, p. 1). Perhaps these and other conditions (such as the Occupy London protests in 2011) have led to some individuals turning toward a British version of the Freemen, but barristers have been quite clear that such practices will lead to jail time (Freeman on the Land/RationalWiki, 2013, p. 2).

The recent British debate about the Freemen seems to have begun in 2010 when Professor John Kersey from the European-American University published a sympathetic analysis of the movement in a British libertarian magazine. He concluded his analysis with this statement:

Although the issue of whether these [Freeman] 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

⁹ For an example of a Freemen/Sovereign Citizens movement in Germany called the Reich Citizens’ movement or the Provisional Government of the German Reich, see Carlhoff, 2013.

system of civil law has the potential to effect fundamental change in the basis of the relationship between the state and the individual. (Kersey, 2010, p. 4)

Evidence that some Freeman ideas had entered popular culture came in March 2011 when an unspecified number of protesters espousing Freeman-related concepts “tried to arrest a judge after storming into a courtroom [i]n Merseyside [located in northwest England]. The activists went into the room at Birkenhead County Court, while about 300 protestors gathered outside the building” (Captain’s Blawg, 2011). A leaflet accused both the court and the judge of operating under maritime law, and that the group was attempting the takeover in order to ensure its Magna Carta rights (Captain’s Blawg, 2011). Later that year (in August 2011), a newspaper published an article about a mother and her investigator who had been involved in the manufacture and dissemination of false child-sexual-abuse allegations against the father. To the court, the investigator gave her name as “Elizabeth of the Watson Family,” which is a typical way that Freemen attempt to demonstrate their sovereignty (by rejecting last names as a form of corporate domination by the state [Gardner, 2011a, p. 1; PA Media Lawyer, 2011, p. 3]). Five days later in a London Administrative Court, a man followed the same pattern with his last name when providing it to the judge. He called himself “Norman of the Family Scarth (The Living Man)” (Williams, 2011). An author, Carl Gardner (2011a), noticed the Freeman language and wrote a short piece about it, and he was to reappear in a big debate that occurred later in the year.

A fury of words about Freemen, however, came forth after the *Guardian* newspaper carried comments by two different bloggers who attended the 2011 Occupy London protest. One of them, Jon Witterick, wrote about his resistance to debt collectors, which was partly inspired by Mary Elizabeth Croft’s Freeman book, *How I Clobbered Every Cash Confiscatory Bureau* (Witterick, 2011). In a second commentary, by a person who called himself “commonly known as dom,” the author wrote about the law as a prison that enslaves “by a body of rules and statutory instruments” that

surround items such as one’s birth certificate and automobile registrations (commonly known as dom, 2011).

Then people involved with the British legal system jumped in. On the same day as the *Guardian* commentaries appeared in print, Adam Wagner—in a UK Human Rights blog—responded to them. He revealed that, during the previous month, he had served on a jury in which the defendant fired his legal team and attempted to defend himself using Freeman principles. The jury, however, found him guilty of seven out of eight charges of car theft (Wagner, 2011, p. 2). He then identified some of the debt-payment-refusal and Freeman rhetoric that came out of the Occupy London protests, but he concluded,

“This stuff” is dangerous and it does people harm. The common link between the get out of debt and freeman articles is that both promote the idea that if you believe hard enough that the financial or legal system does not exist, or is a gigantic fraud, then your problems will disappear along with the system....

These ideas are most attractive to desperate, vulnerable people who are going through terrible times in their lives. They are also classic conspiracy theories.... (Wagner, 2011, p. 2)

Wagner called his blog entry “Freemen of the dangerous nonsense” (p. 1).

The next response to the *Guardian* articles appeared—also on the same day—in a legal blog written by someone who went by the pseudonym Legal Bizzle, and it was scathing. He called the opinions expressed by “commonly known as dom ... utter woo,” adding, “But ‘educating’ a protest movement who [*sic*] frankly need all the genuinely legal help they [*sic*] can get, in this risible shite? That’s not ‘lawful rebellion,’ it’s irresponsible” (Legal Bizzle, 2011a, p. 4).

The day after the two *Guardian* commentaries appeared, the paper published a response by Carl Gardner that also was critical:

The love freemen show for magic texts, incantations and ritual is not just funny:

it shows a strange, childlike respect for the trappings of justice, and a commitment to jargon not even the stuffiest solicitor can match. This thinking is to law as crystal healing is to medicine and, like fake healing, it is not as harmless as it appears. (Gardner, 2011b, p. 1; see Wessinger, 2000, p. 13, about Freeman's magical thinking)

He concluded his essay by pleading,

But law is the friend of political progress, not its enemy. Making companies and rich individuals pay their share will depend on exactly those legal and enforcement mechanisms that freemen seek to undermine, and on the rule of law that they mock. Freemanism stands implicitly against social progress, for a libertarian world is one where everyone's a law unto himself and where the state has no right and no role. We need to be aware of this nonsense so as to resist it (Gardner, 2011b, p. 2).

The blogger Legal Bizzle returned to the debate, this time publishing in the *Guardian* itself. He concluded his essay with yet another condemnation of Freeman philosophy and practice:

Even in good economic times, many people struggle with debt, and these are very far from good times. I can understand the feeling that lenders pushed easy credit to people who could never repay it, and I won't try to defend aggressive debt collection tactics. But defaulting is not the easy option that Jon Witterick makes it out to be. There is no magic bullet for debt problems.... On the contrary, there is every chance that such strategies will make things worse, for the debtor and (through higher credit costs, for everyone else) the wider economy. (Legal Bizzle, 2011b, p. 2)

Clearly the *Guardian* had unleashed a firestorm. When, however, the magazine for the judiciary of England and Wales ran a 2-page article on the Freeman in 2012, it limited criticisms only to showing some examples of Freeman strategies

failing in court (Freeman on the Land/Benchmark, 2012, p. 19).

Similar interest in the Freeman, followed by hostile responses from barristers, occurred in Ireland (Freeman on the Land/RationalWiki, 2013, p. 2)—a country crippled by a debt crisis. In May 2010, Stephen Sutton received a traffic ticket for speeding, driving without a license, and driving without insurance, but he disrupted his Kilcock District Court hearing with typical antics. He denied “that he was the ‘legal fiction Stephen Sutton’ and ask[ed] that he be addressed as ‘Stephen of the Family Sutton.’” He then questioned the nature of the fine and of the authority of the garda to have stopped him. He continued by questioning which law—maritime admiralty or common law—the court was operating under. The judge had him removed from the courtroom (Rooney, 2012, p. 13). Later in the year (September 2010), Kenny Sludds (or Kenny of the Family Sludds) threatened to charge garda with rates of up to €2,000 per hour for their impositions on him regarding a legal matter (p. 13). Then in August 2011, another member of the Sludds family (Bobby) challenged a judge to produce his oath of office. Bobby received a suspended sentence for not having ensured his automobile and paid the auto tax, but when he finally agreed to sign a bond to keep the peace, initially he did so using another name. (Presumably he was mixing the use of his secular name with a Freeman one [p. 12]). In early March 2012, “a Freeman ... appeared in an injunction application before the High Court,” and an earlier High Court case in 2011 involving securitization of loans likely had involved a Freeman (p. 15).

In April 2013, Irish barrister Fergal Crehan wrote a media piece that echoed the concerns of his English counterparts concerning Freeman law:

The Freeman theory is the legal equivalent of quack medicine. It's often hilarious, but it can be dangerous. There are a lot of frightened and vulnerable people out there, and as with quack medicine, the attraction of a simple solution is great. Given the current

public mood, anything that seems to stick it to The Man has an appeal.

I'm not happy with endless government charges or with banks repossessing houses, any more than anyone else is, but if people put trust in this guff, some of them will find themselves in jail. (Crehan, 2013, p. 5)

For Crehan, the final test of Freeman law was its success rate in court, but “[t]here is literally not one single instance, worldwide, of Freeman arguments ever succeeding before a court...” (Crehan, 2012, p. 4).

The New Zealand and Australian Freeman Debate

American Sovereign Citizens have undertaken speaking trips to New Zealand and Australia (Anti-Defamation League, 2010, p. 15)—countries whose farmers also struggle (in their cases, often because of drought [Perry, 2013; Thompson, 2013]), and supporters in both countries have established relatively small but typical Internet websites. One Australian group calling itself United Rights Australia is attempting to stimulate discussion of numerous issues, many of which are typical Sovereign concerns: taxes, fines, property rights, sentencing, and so on (U R Australia, n.d.). An Internet site from Perth, Australia gives a basic statement of Sovereign beliefs (i.e., rejection of being a “person” created by the state, the ascendancy of “natural law,” the rejection of hidden or unrevealed “contracts,” issues involving taxes, birth certificates, marriage licenses [Kimosabi, 2008]). Another site reproduces protest letters sent to Australia’s Commission of Taxation (Authority of the Tax Office Questioned, n. d.), and still another argues that the Commonwealth of Australia is a corporation (Commonwealth of Australia is a Corporation, n. d.). From these websites, however, it is impossible to determine how many adherents to these positions live in the country.

Mental Illness and Personality Disorders

Through the Internet, prison recruitments, and seminars, various con artists flourish by hawking get-rich-quick schemes to financially stressed

individuals within the antigovernment movement. Although a significant portion of these people are stressed because of their treatment by social institutions, others demonstrate behaviors that resemble varying degrees of mental illness that may not necessarily be derived from objective social conditions. When, for example, Associate Chief Justice Rooke offered his written opinion about OPCA litigants, one of the cases from which he quoted (on a decision concerning submissions by a Moorish law adherent) suggested that the litigants either were delusional or suffered some type of mental impairment (Rooke, 2012, para. 180). Rooke cited a District of Columbia case in which the court ruling described a Freeman plaintiff’s argument as one of “fantastic or delusional scenarios” that may have reflected “delusional thinking” (Rooke, 2012, para. 180). Reaching a different ruling on a Moorish law-related case, the Immigration and Refugee Board of Canada, Immigration Appeal Division, decided that a Moorish law statement to it was not written by someone who was mad and delusional, but instead was written by someone making a political statement (Rooke, 2012, see p. 1196). Without pushing the question of mental health too far, suffice it to say that psychiatry’s *Diagnostic and Statistical Manual (DSM) V* includes behavior characteristics of some Sovereign Citizens, Freeman, and other OPCA litigants.

In its section on delusional disorders, the *DSM* has a discussion of “Associated Feature and Disorders.” That discussion begins as follows:

Social, marital, or work problems can result from the delusional beliefs of delusional disorder. Individuals with delusional disorder may be able to factually describe that others view their beliefs as irrational but are unable to accept this themselves (i.e., there may be “factual insight” but no true insight). Many individuals develop irritable or dysphoric mood, which can usually be understood as a reaction to their delusional beliefs. Anger and violent behavior can occur with persecutory, jealous, and erotomanic types. The individual may engage in litigious or

antagonistic behaviour (e.g., sending hundreds of letters of protest to the government). Legal difficulties can occur, particularly in jealous and erotomanic types (American Psychiatric Association, 2013, Section 297.1 Delusional Disorder: Associated Features Supporting Diagnosis).

Although Associate Chief Justice Rooke's lengthy and detailed decision does not mention the possibility of some of these individuals having this disorder *as a clinical condition*, his comments about their behaviors are in line with aggressive and disruptive behaviors described in the *DSM*. As Rooke indicated, "In the United States, Sovereign Men are notorious for their violent conduct, intimidation of state and court personnel, and their misuse of legal processes to engage in 'paper terrorism'" (2012, para. 181). While the Canadian Sovereign Men seem to be less violent than their American counterparts, their behaviors still are close to those of the Americans on a continuum of problematic and disruptive actions.

One other frequently mentioned personality disorder in relation to some antigovernment people is paranoia. Two researchers of the far right indicate that

Paranoia is characterized by guardedness, suspiciousness, hypersensitivity, grandiosity, centrality and isolation, fear of loss or autonomy, projection, and delusional thinking. These lead the paranoid to incubate a powerful sense of uniqueness. Thus, many left-wing cults that now exist each insist that they alone (hallelujah, comrades!), understand the dynamics of capitalism and are the anointed nucleus of a future mass revolutionary party. (Tourish & Wohlforth, 2000, p. 31)

Paranoids, therefore, "feel deeply discontented [but] are reassured that the problem lies, in every respect, with the external world rather than themselves" (Tourish & Wohlforth, 2000, p. 32). This perspective, therefore, on the Freeman, Sovereign Citizens, and similar antigovernment groups locates their origins in the disoriented minds of individuals rather than the social

frustration and anger over institutional betrayals. In a movement as diverse as are the Freeman and Sovereign citizens, probably examples exist that support either interpretation.

Conclusion

Although OPEC litigants and related extremist antigovernmentalists have no chance of receiving legal recognition from any country in which they operate, they are important to study in part because they reveal a segment of the population that is profoundly alienated from society. In the United States, for example, these people share a deep distrust of federal government with other groups such as the libertarian, Republican-leaning Tea Party members; the former military Oath-Takers (who usually are soldiers who believe that their military oath to defend the Constitution carries over to a civilian obligation to resist illegal federal activities [Sharrock, 2010]); and Patriots and militias (who are preparing for a war with the government [Larizza, 1995–1996; Smith, 1997; Stern, 1996]). At some point, such virulent opposition to one's nation potentially disrupts if not undermines government's ability to rule. The judiciary suffers damage; law enforcement becomes even more dangerous; normal commerce and banking is disrupted; and otherwise ordinary people waste portions of their lives studying and producing what one Ontario judge called "all manner of absurdity and silliness" (ODonnell, 2013, n. 4). Their efforts do nothing to address what very well may be legitimate and egregious actions on the part of the state and its agents, since they come across to most people as having left the normal range of reality—an interpretation that, at times, might even be correct in a psychiatric context. If, in their best moments, these litigious, extremist antigovernment movements identify very real, governmentally involved social political, and economic injustices, their ineffective but disruptive and often threatening rhetoric and actions simply allow officials to dismiss them.

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