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Article

Organized Pseudolegal Commercial Arguments [OPCA] in Canada; an Attack on the Legal System

Donald J. Netolitzky [a1]

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INTRODUCTION

In the broadly cited [1] *Meads v. Meads* judgment, [2] Associate Chief Justice Rooke identified and characterized a collection of legally incorrect and vexatious strategies that he named Organized Pseudolegal Commercial Arguments [“OPCA”]. These concepts are propagated and used in a number of communities that are popularly known as Freemen-on-the-Land, Detaxers, and Sovereign Citizens.

OPCA strategies are marketed on a commercial basis by “OPCA gurus” to persons who seek to defeat legal and government authority, impose illegitimate obligations, and obtain free money. An “OPCA movement” is a group that uses common OPCA strategies and who hold or adopt a shared social perspective and typically conspiratorial alternative history. A person who employs OPCA concepts in court is an “OPCA litigant”. An individual who adheres to OPCA concepts but does not necessarily use those in legal disputes or proceedings is an “OPCA affiliate”.

Estimates of the number of OPCA affiliates in Canada range as high as 30,000, however a more realistic estimate is likely considerably less. [3] No ***138** matter its size, the highly litigious character of this population is beyond dispute. The author has identified over 700 reported judgments that relate to OPCA subjects. [4] That figure only hints at the true scale of in-court activity by the OPCA community since the majority of OPCA-related litigation is unreported in any manner.

In *Meads v. Meads*, Rooke A.C.J. surveyed reported jurisprudence, litigation in the Alberta Court of Queen's Bench, and other materials received by that Court to develop a context for aspects of the legal, pseudolegal, social, and business characteristics of the OPCA phenomenon. However, that review was necessarily incomplete due to the source material available, and as a consequence provides a useful but in certain senses fragmentary landscape of the OPCA phenomenon as a whole and in specific details.

More recently the author reviewed [5] the OPCA phenomenon's history in Canada, and traced how two separate pseudolegal traditions, one from Canada, the other originating in the U.S., have each contributed to the OPCA concepts used by the Canadian Detaxer and Freeman-on-the-Land movements. These U.S. and Canadian themes have now effectively merged and are entwined within a complex associated set of conspiratorial beliefs and alternative histories reinforced in small social groups. This amalgam forms a freestanding set of pseudolaw and a distinctive world perspective: the OPCA sphere. [6] A key and practically universal aspect of the modern OPCA sphere belief set is that government authority is illegitimate, restricts innate rights, and flows from government deception. Individuals can purportedly ‘opt out’ of this tyranny with the correct steps that ‘unshackle’ a human being from their “Strawman”, [7] a non-physical legal fiction doppelganger that allegedly provides the mechanism by which the state exerts illegitimate parasitic control over individuals.

Canadian Court judgments [8] and popular media sources [9] have suggested that a person's belief in OPCA concepts and association with OPCA ***139** communities represents an elevated threat of physical violence. Law enforcement clearly

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perceives a special risk from these groups. [10] However, this alleged link is not universally accepted, and 'blog' posts by several legal academics imply a perception that there is a subset or component of the OPCA litigant community who are not a potential threat, and thus may be mistreated by court and litigation procedures that assume OPCA affiliation is a risk factor.

This article investigates this controversy by:

1) an examination of what Canadian OPCA gurus teach are the rights of OPCA affiliates to take action against law enforcement, government, court, and institutional actors;

2) exposing actual steps OPCA affiliates and litigants have taken to implement those instructions; and

3) a review of how social sciences professionals evaluate the Canadian OPCA community and its potential for dangerous action and illegal activity.

The author then synthesizes a model of subpopulations of the OPCA community, and discusses some indicia that may be relevant to identify elevated threats. To be explicit, this article does *not* develop a threat or risk model or protocol to evaluate the OPCA community and its members. The author believes that any tool of that kind should be produced by social sciences, law enforcement, and psychiatry professionals expert in threat assessment, and preferably derived from a substantial data set of relevant cases. This investigation relies on a wide range of resources, including reported and unreported jurisprudence, court files, public and social media, and materials created within the OPCA community. [11] The author also draws from ***140** his personal experience in relation to this subject as Legal Counsel for the Alberta Court of Queen's Bench. [12]

1. LEGAL ACADEMIC COMMENTARY

The OPCA phenomenon in Canada has led to a substantial body of jurisprudence, much of which was identified and collected in *Meads v. Meads*. Nevertheless, legal academic commentary on this subject has been negligible. Few peer-reviewed law journal articles have commented on the Canadian OPCA phenomenon. One is not helpful as it provides nothing more than a digest of certain aspects of the *Meads v. Meads* decision. [13] The remaining papers are from other common law jurisdictions and compare Canada with local experiences. New Zealand lawyer Thomas Bloy [14] summarizes *Meads v. Meads*, reviews New Zealand OPCA litigation, and details the "no value provided" strategy, a previously undocumented foisted unilateral agreement variation designed to eliminate debt. [15] More recently, Tomás Keys and Garret Sammon compared developments in the Republic of Ireland and the UK with those in Canada, noting parallels in both the pseudolegal concepts employed and associated OPCA activity inside and outside the courtroom. [16]

The remaining limited academic commentary on OPCA Canadian litigation and litigants has not occurred in peer-reviewed publications but instead in 'blog' posts made by three university law school professors in the period approximately six months after the release of *Meads v. Meads*. Two 'blog' posts by professors Jonnette Watson Hamilton [17] and Alice Woolley [18] ***141** comment on OPCA litigants as a potential source of risk in the context of whether OPCA litigants may be treated unfairly by the court apparatus. This first emerges in "What has Meads v. Meads wrought?", [19] a 'blog' entry that reviews OPCA jurisprudence in the six months after release of *Meads v. Meads*. [20] The authors' chief focus is that certain judgments that cited *Meads v. Meads* did not respond to the specific pseudolegal schemes advanced in court by that particular OPCA litigant, [21] and that certain OPCA litigants may be unfairly mistreated by an unwarranted association with more extremist OPCA litigants and movements. Hamilton and Woolley direct particular criticism to members of the judiciary who allegedly treat OPCA litigants in an unethical, undignified manner.

The authors characterize certain judgments as overly aggressive, treating OPCA arguments as "... tantamount to contempt of court." However, this is, in fact, the conclusion in the subsequent *Fearn v. Canada Customs* decision. [22] Use or instruction of many commonplace OPCA motifs is *prima facie* contempt. This parallels the manner in which U.S. authorities and courts respond to OPCA tactics that threaten government and court actors. [23]

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Hamilton and Woolley also critique the reasoning in *R. v. Lavin*,[24] a bail hearing decision, where the Justice of the Peace who heard the application observed that OPCA litigants are sometimes violent. Hamilton and Woolley object that the history of extreme subgroups, such as the Freemen-on-the-Land and the U.S. Sovereign Citizen movement, are an improper basis to extrapolate that all OPCA litigants are potentially violent. This implies the authors see OPCA litigants as a diverse group, some of whom have a minimal associated threat, but they offer no explanation of why that would be. Hamilton and Woolley return to this theme that OPCA litigants atypically represent a safety risk in a 10 May 2013 'blog' post, "Consequences of being an OPCA Litigant?",[25] which comments on Rooke A.C.J.'s decision in *ANB v. Hancock*.[26] That judgment introduced a procedure by which opposing counsel may appear anonymously to minimize risk of retaliation from an OPCA litigant. Hamilton and Woolley argue that even "extreme ideas" are no justification for procedural steps that may "... require OPCA litigants to proceed under distrust and suspicion ...". Again, the authors provide no basis to explain their conclusion that OPCA affiliation itself is not an actual risk factor. ***142**

Hamilton and Woolley's commentary is problematic in several ways. First, Hamilton appears unaware of[27] the U.S. experience concerning threats from its OPCA communities. This is surprising given there is a substantial body of U.S. legal academic commentary on its predominate form of OPCA litigant, the Sovereign Citizen.[28] Hamilton and Woolley also do not appear to have detected publications and commentary by U.S. groups who monitor the Sovereign Citizen and Moorish Law communities, particularly the Southern Poverty Law Center, a U.S. civil rights organization, and the Anti-Defamation League non-governmental organization.[29] Hamilton may have restricted her investigation to only Commonwealth sources, although that would be surprising given *Meads v. Meads* explicitly identifies U.S. OPCA activities as relevant to Canada.[30] This Canada-specific focus may mean Hamilton and Woolley were unaware of the disturbing history of OPCA -related violence and terrorism in the U.S. The consequences of "extreme ideas" in that jurisdiction are not encouraging. ***143**

A second issue is the authors appear unfamiliar with the typical social context and host communities occupied by OPCA affiliates, litigants, and gurus. Instead, the basis of their commentary appears restricted to the review of certain reported cases. At a minimum, this appears to have led Hamilton and Woolley to imagine the typical OPCA litigant is something of an ordinary, but misled, person. That is very often not the case. Contemporary online OPCA social communities (which are very readily identified) display extreme, conspiratorial, and sharply anti-government beliefs. OPCA affiliates are not coy when it comes to expressing their negative view of academics, banks, lawyers, law enforcement, governments, and courts. The logical inference is that no such exploration occurred. Greater exposure to the social aspects of the OPCA phenomenon may have led these authors to recognize the unusual ideological character of OPCA affiliation, and how OPCA and 'conventional' self-represented litigants are two very different populations.

2. AUTHORITY AND FORCE

The modern Canadian OPCA community operates in a specific social and conceptual context: the OPCA sphere,[31] an alternative world perspective with its own (pseudo)legal system and beliefs. Certain facets of the OPCA sphere are diverse. For example, its occupants hold many different conspiratorial, philosophical, and religious beliefs. However, there is broad consensus on other points, such as a conclusion that government actors exceed their true authority and are, beyond that, immoral and malevolent. ***144**

(a) The "Strawman"

A parallel diversity exists in pseudolegal theory, but there is a critical point of consensus. All OPCA gurus and movements which currently operate in Canada promote the double/split person motif: the "Strawman".[32] The "Strawman" is derived from the U.S. Sovereign Citizen "Redemption" concept,[33] where an individual, who conventionally is considered in law to be a single unit, is instead composed of two discrete parts: a physical "man" only subject to natural law, who is then 'shackled' to a legal person or "Strawman" doppelganger. This "Strawman" is a non-corporeal legal fiction that allegedly provides the conduit by which state actors exert their otherwise illegitimate legislated authority over the physical "man".[34]

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The “Strawman” motif entered Canada in several ways. Starting in the late 1990s certain Detaxer gurus promoted a U.S.-derived form. [35] The “Strawman” was also later adapted by the founder of the Freeman-on-the-Land movement, Robert Arthur Menard, to explain the true source of government authority. Menard claims governments trick parents into entering their children into an undisclosed contract with the state. This contract takes the form of a birth certificate. The birth certificate is also a kind of commercial security that creates a “person”, or “Strawman”, which has a parasitic link to the child. [36] Menard claims a “person's” name is in all capital letters, while a human being is named using the dash-colon name structure. [37] He claims ***145** government bodies are corporations, and that explains why legislation has no force if a person does not consent to its effect. [38]

The Canadian OPCA sphere's universal adoption of the “Strawman” motif means certain ideas are generally accepted as fact:

1. individuals are tricked into being associated with the “Strawman”;

2. the “Strawman” is a necessary conduit for government and court authority;

3. the “Strawman” is a mechanism to take away natural or inherent rights;

4. the existence of the “Strawman” is skillfully concealed from the public but is nevertheless known to all judges, lawyers, politicians, and many other government and law enforcement authorities;

5. the “Strawman” can be ‘unshackled’ or ‘rejected’, and to do so frees an individual from all government authority; and

6. once the “Strawman” is removed, an individual is only subject to some other kind of law.

This dramatic and powerfully negative antigovernment framing of the interrelationship between the citizen (slave) and the state (tyrant-trickster) was not always an element of Canadian OPCA belief. Early OPCA strategies in Canada focused on loopholes or tricks to avoid government authority. [39] Similarly, at present the “Strawman” is not universal in U.S. OPCA communities, where there remain OPCA tax protestors who do not attack state authority as a whole. [40]

This “Strawman”-based perspective is important to understand why a personal right to apply force is a prominent, if not necessary, subtext to modern OPCA affiliation in Canada. If state or court authority is allegedly nonexistent or neutralized, then state or court actors who continue to exercise that authority are, literally, “outlaws” who ought to be disciplined or sanctioned. But how?

(b) What do OPCA Gurus Teach?

OPCA gurus teach a spectrum of responses to what is (incorrectly) perceived as unauthorized action by police, courts, lawyers, government actors, and other institutions. This review will focus on Freeman-on-the-Land guru Robert Arthur Menard. Menard is a suitable representative Canadian guru for several reasons:

***146** 1. The Freeman-on-the-Land movement is the predominate OPCA movement in Canada following the collapse of the Detaxer movement in the mid to late 2000s. [41] The modern Canadian OPCA sphere is very much a Freeman construct.

2. Menard is effectively the sole creator of the Freeman-on-the-Land movement. His ideas are therefore highly relevant and influential.

3. Menard is the author of the “Strawman” concept variant that is most commonly encountered in Canada.

4. Menard's chief successor, Dean Clifford, [42] expresses an ideology that is more radical and aggressive than that of Menard, so Menard represents the ‘moderate’ component of the Freeman-on-the-Land movement.

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5. Menard took the comparatively unusual step of actually writing out his concepts. As the OPCA phenomenon developed in Canada there has been a shift from instruction via text to instruction by video. The latter is much less amenable to critical review. [43]

Using Menard as the model guru does have shortcomings. For one, it neglects the direct influence of U.S. Sovereign Citizen concepts in Canada. [44] Some OPCA litigants in Canada are clearly using or strongly influenced by U.S. materials and gurus. [45] However, this likely does not exaggerate the ***147** potential threat posed by Canadian OPCA litigants since the Sovereign Citizen movement and its precursors also have a well-documented history of aggression directed to government actors and other ‘enemies'.

(i) Non-violent Remedies

OPCA litigants use of non-violent but illegal techniques to harass and injure their perceived enemies is notorious. [46] This is often called “paper terrorism”. Paper terrorism typically misuses genuine legal procedures such as liens and other property interests, [47] or has an OPCA litigant draw his or her ‘enemies' into frivolous and vexatious litigation in an attempt to assert fictitious rights. [48]

***148** In the U.S. paper terrorism has developed into a significant concern, [49] and courts in that country have issued lengthy prison terms to individuals who engage in activities of this kind. [50] In Canada paper terrorist activities are *prima facie* evidence of contempt of court [51] and criminal intimidation. [52] OPCA gurus, however, teach that these strategies are a legitimate tool for OPCA affiliates to create and then enforce their rights. Menard's books identify ways one can obtain unorthodox rights, the scope of those rights, and how to enforce them on noncompliant government actors.

***149 A. Special Immunity**

Menard's writing includes many procedures or tricks that either create immunity to state action or reverses who is in charge. Some are bizarre; all are false:

1. Putting a copyright symbol beside your name allows you to sue government actors if they use your name, or if government activities “... harmed you in any way.” [53]

2. Attaching four small white flags to the corners of a motor vehicle makes a traffic stop or ticket a breach of international law. [54]

3. “Understand” means “stand under government or court authority”, so if a person replies they “do not understand” to a statement from a judge or a police officer then they are immune from sanction. [55]

4. It is unlawful for a government actor to use a Freeman's name other than in the dash-colon format. [56]

5. A police officer who asks for an individual's name commits extortion under the *Criminal Code*. [57]

6. Government debts may be “set off” by presenting a bill for the government's use of the Freeman's “Strawman”. [58]

7. Disobeying a statute is not a breach of the peace. [59]

8. An arrest conducted without a Freeman-on-the-Land's consent is an assault. [60]

***150** 9. A ticket issued for a violation of legislation is a bill of exchange. One can avoid that obligation by demanding the original copy of a ticket. [61]

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10. A criminal accused can fire a Crown Prosecutor, at which point: ... you will create a situation where there is only you and the judge and if both of you are equal before the law, then all he has are offers. You can then tell him “I thank you for your offer, but I am compelled by my faith to not accept.” HE will try very hard to get you to agree with him. Don't do it! Just keep thanking him for his offers and let him kno0w you simply cannot accept his offers. [62] [Sic.]

B. Staking Out Claimed Rights

Menard states it is critical that one rejects state authority by explicitly ‘opting out’, though he calls this process “withdrawing lawful consent”. He claims that all a Freeman needs to do is inform government actors of an intended action or interpretation of legislation. If no objection is received, the Freeman is immune from future negative consequences:

> Canada is a Common Law jurisdiction. What this means is you have the ability to establish rights merely by claiming they exist. Give proper Notice to those who may be affected and they have 30 days to raise an issue or express a dispute. If they fail to do so, they agree the rights mentioned exist and may be exercised lawfully. Any court in the land will recognize and support your rights, if properly established. Actually all the rights you have exist because they went through this process in one way or another. [63]

Menard provides specific examples that he claims apply this process to obtain immunity from scrutiny by regulatory bodies for legal professionals, [64] to permit unrestricted marijuana use, [65] and to neutralize attempts to enforce legislation. [66] “Withdrawing lawful consent” stereotypically takes the form of a written document, the “Notice of Understanding, Intent, and Claim of Right” [“NOUICR”], which is delivered to politicians and senior court and government officials. A NOUICR is a foisted unilateral agreement; failure by the recipient to respond and rebut its claims allegedly fixes the OPCA affiliate as outside government control. [67] The NOUICR includes or is followed by a ***151** fee schedule [68] that presets the penalties the OPCA affiliate will receive when a state actor intrudes on these claimed rights. [69]

The NOUICR document essentially defines the modern Freeman-on-the-Land movement, its rationale, and sets the scope of unorthodox authority and rights demanded by a particular Freeman. Menard has published a number of template NOUICRs. [70] Individual Freemen-on-the-Land frequently customize these documents, often to expand their unilaterally declared rights and immunities. [71]

***152 C. Taking the Offensive**

A key aspect of Menard's instructions is a claim that government actors are obliged to negotiate on points of dispute. If they do not do so, then they are allegedly “in dishonour”, and will receive an unfavourable result in court. [72] Menard calls this “The Rule of Law”. Menard recommends a variation of the Three/Five Letters process, [73] “The Notary Protest-- Lawfully Achieving Justice”, [74] which he claims will defeat any government action and permit enforcement of claims by the OPCA litigant in a conventional court. The alleged result is analogous to a court judgment but cannot be appealed. It is worthwhile reproducing this procedure *en toto* as it is a key element of Menard's explanations on how a Freeman-on-the-Land may obtain authority over others:

The Notary is likely one of the most powerful cards in the judicial deck. He's the Joker. As an Officer of the Court, he can fulfill any duty found in any statute. He has the power to attest, operate on your behalf, protest commercial documents and create administrative judgments. Here in a nutshell is what is known as the Notary Public Protest Method. ... It is based primarily on the concept of being honourable, avoiding conflict and agreeing with your potential adversary.

Step 1: You send them a letter by registered mail. In it you mention the rule of law and invite them to discuss. You are in fact extending an offer. Unless they accept your offer, they are going into dishonour.

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Step 2: Three days later, you go to your Notary Public with your offer to discuss that your adversary either rejected or ignored and you have the Notary send it again, acting in his capacity of an Officer of the Court. If they again dishonour it, they have dishonoured an Officer of the Court.

Step 3: Three days after they dishonour the Notary, you have him send them a Notice of Dishonour. They are informed of their dishonour and given a chance to correct it. Again, they have three days. If they do nothing, go to step 4.

Step 4: Three days after they received the Notice of Dishonour, if they have not responded honourably, you have the Notary send a ***153** Notice of Protest. This is end game, for you have proof that you are in honour and they are not. They have lost the right to claim any conflict and they have no right to enter into negotiations. They have essentially lost. Their hands are dirty and your are not. Now you go to Step 5.

Step 5: Take your Notice of Protest and bring it to a Justice of the Peace and have an Administrative Judgment entered against your adversary. Begin collection proceedings against them as you would for any court judgment.

This process can be shortened. You can use one of their tricks on them. You can state that dishonour will mean they waive their right to be served a Notice of Protest. Include in your first letter (make sure it is Notarized) a line something like this: **'Failure to honour this offer will be deemed to mean you have waived your right to a Notice of Protest and consent to an immediate Administrative Judgment.'** If they then dishonour the offer, you take that letter to the Notary and have an immediate judgment rendered against whoever dishonoured you. [Sic, emphasis in original.]

Menard illustrates this process via an attack on an RCMP officer, [75] and to defeat parking tickets. [76] The Notary Protest is not the only mechanism by which a Freeman-on-the-Land can attack a government actor. Menard instructs that if a Freeman-on-the-Land is ordered to follow legislation, then the Freeman can bill the government actor [77] for an amount pre-set by his or her NOUICR fee schedule. [78] Menard portrays government, police, and court actors as something of a 'cash cow' that can be milked with his techniques. All allegedly have a "bond", an insurance policy that pays if they act unlawfully. [79] An OPCA affiliate can demand that "bond", and failure to surrender that information is an offence under *Criminal Code*, s. 337. [80] If a government actor acts unlawfully then the "bond" is "abandoned", and:

> ***154** ... If you catch them in that situation you can lay claim to the bond as abandoned and seize it. Once you have that puppy in your hand, you can take it to the issuing agency and redeem it for the full value on its face.

D. A Separate and Superior Form of Enforcement

How do Freemen-on-the-Land enforce their NOUICR and Notary Protest rights? The template NOUICR included in Menard's *With Lawful Excuse* not only claims that a Freemen-on-the-Land can create spurious obligations by the Notary Protest, but that he or she may enforce those alleged rights via 'conventional' court mechanisms. This, however, does not mean that Menard acknowledges the authority of those institutions.

Menard teaches that a Freeman-on-the-Land has a right to convene a separate and superior form of court. This court apparatus is explained as part of a broader perceived right to operate both a law enforcement and court apparatus to discipline *"de facto"* (i.e. conventional) government actors. Menard's template NOUICR explicitly claims Freemen have a right to use vigilante courts to punish "outlaw" government conduct:

> I claim the right to convene a proper court de jure in order to address any potentially criminal actions of any peace officers, government principals or agents or justice system participants who having been served notice of this claim fail to dispute or discuss or make lawful counterclaim and then interfere by act or omission with the lawful exercise of properly claimed and established rights and freedoms ... [81]

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Note that this is a *"de jure"* court, rather than a conventional court which has no authority and is *"de facto"* as "[t]he existing courts are private businesses owned by the various law societies." [82] The *With Lawful Excuse* template NOUICR declares that courts in British Columbia act without authority; they are *"de facto"*, operate only where a Freeman consents, and "... are in fact in the profitable business of conducting, witnessing and facilitating the transactions of security interests ...". [83]

The conclusion of *With Lawful Excuse* restates Freemen-on-the-Land have a right to discipline law enforcement personnel who do not obey the law as it is defined by Freemen. Menard indicates "good officers" will reject "... ***155** government deceit and tyranny ..." by "... standing between the state and the people ...". [84] Failure to do so makes a police officer a target for authorized and justified retaliation:

If they refuse to follow the law and choose instead to obey people who claim a monopoly of over the law, then we have remedy.

The fact is we have a right to justice and to an accessible system to serve it to us. Such a court system will need armed officers to enforce its will.

If existing officers refuse to accept the findings of lawful courts, they will have to face our lawfully empowered peace officers. We do not have to carry guns and fight the police but we can hire true peace officers to do so.

Those who believe that they are our masters and we their prisoners will find themselves no longer protected by the existing courts and facing charges for negligence in the new ones. Those who think they have the right or power to enforce statutes on a Freeman because of their own ignorance will learn that because of their ignorance they have perpetrated an assault and potentially an abduction under the color of law. They will be held accountable for their actions. [Sic, emphasis added.]

The separate and superior court and police authority is also a part of *Robs Very Clever Plan*, a 2009 document that allegedly outlines an impending program to establish a freestanding Freeman-on-the-Land community in "Freeman Valley". This includes Menard setting up his own police force and *"de jure"* courts to "... prosecute the unlawful actions of officers, government employees, and judges ...". [85] Initial efforts to implement the former element did occur. Menard has offered memberships in a vigilante police force, "The Canadian Common Corps of Peace Officers", or more commonly "C3PO's". [86] *Robs Very Clever Plan* concludes:

> The Freeman Society of Canada is an opportunity for us to steer our country towards peace, abundance, and fellowship. By promoting and upholding the proper execution of the Law, The Freeman Society will be able to do what many have tried and failed to do: hold police officers, government representatives and judges accountable for unlawful actions and encourage them to operate peacefully and lawfully. [87] [Emphasis added.]

This is, of course, enforcing "the Law" as the Freemen themselves redefine it.

***156 E. Conclusion**

To summarize, Menard teaches that:

1. legislation is not binding, provided one states an intention to not adhere to it;

2. the parameters of a Freeman-on-the-Land's rights may be unilaterally defined by a NOUICR;

3. silence or failure to meet arbitrary criteria unilaterally foists an obligation on government, court, and institutional actors;

4. failure of government, police, and institutional actors to conform to these rules is a basis for a legally binding and unappealable judgment, the "Notary Protest"; and

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5. conventional courts are obliged to enforce these principles, award fee schedule fines, and other remedies on that basis.

These so-called legal principles are obviously spurious,[88] but they set the stage for what Freemen-on-the-Land (and OPCA affiliates in general) are taught are their rights when confronted by police, government, court, and institutional actors. In brief, Menard teaches his followers that they have the right to make the rules by claiming rights, and then enforce those rules in 'conventional' courts. If they do not like the result, then they can form their own courts and take "justice" into their own hands. This, of course, is *carte blanche* to engage in paper terrorism. Menard is direct on the implications of what he teaches: it is a right to attack those individuals who are perceived as the enemy. The objective is not merely obtain recourse for injury, but also to inflict economic damage:

> ... [w]hen fighting any government agent, the best way to fight is to attack not their mandate, but their pensions, assets and ability to feed *their* children. ...[89] [Emphasis in original.]

(ii) Use of Force

What about physical action? Many OPCA affiliates publically emphasize the peaceful character of themselves and their peers. This is in at least some cases self-serving. For example, Menard stresses the peaceful nature of the Freeman-on-the-Land movement,[90] but has also claimed lethal force is an ***157** acceptable response to interference by state actors. *Your Child OR Her Life!* appears to be Menard's first book, and focuses on how government child welfare authority flows from the "Strawman" deception. These agencies are otherwise unauthorized and therefore illegitimate. Menard states: "You have the right to use potentially lethal force against anyone who attempts to abduct your offspring, even if they are government agents and operating under the color of Law".[91]

The same is true for police officers.[92] Menard's graphic novel, *With Lawful Excuse*,[93] reproduces a letter to two Vancouver RCMP officers, apparently in response to Menard's 1991 Nissan being seized when Menard was stopped for driving without a valid driver's licence. Menard states "... that attempting to enforce a statute against a Freeman-on-the-Land is an unprovoked assault ...", "... people of Canada do in fact have the right to carry firearms if they do so under a claim of right ...", and he has the right to use a "sidearm" against "... unprovoked assaults, especially those initiated by people who are criminally negligent of the limits of their authority ..." [emphasis added].

More succinctly, at page 52 Menard asks the RCMP officers:

> ... Are you aware this means that if you try taking someones [sic] unregistered automobile with your hand on your gun, and that automobile is held under a claim of right, that you can be lawfully shot and killed? ...

The references to "claim of right" means that a Freeman has sent government actors a NOUICR foisted unilateral agreement that the Freeman has 'opted out' of being subject to Canadian law. The OPCA sphere's conspiratorial perspective is obvious in a NOUICR[94] that personally names Menard, which he published in 2008. This document describes a conspiracy between Prime Minister Stephen Harper and "traitors" in the Canadian military to have "foreign armed soldiers" enter into Canada. Menard states that as a "Freeman-on-the-Land in this common law jurisdiction" he has a duty to defend against this invasion and any peace officer traitors who assist ***158** the invaders, can use notaries public to conduct trials and issue criminal judgments against traitors, "... even if they hold the highest office ...", and:

... that in order to be a peace maker and deal with rogue armed police officers who fail to act with respect to the Criminal Code of Canada I will need use of and access to firearms of equal or greater power then those people who act criminally have access to ...

... I claim the right to fulfill my duty to shoot any foreign troops in Canada who are armed and attempting to police or govern me or other Canadians without consent and to view them as an invading force which must be lawfully attacked. ...

Then in response to criticism of this document from another Internet forum participant, Menard replies:

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... Now imagine thousands of us.

We are smarter, better prepared and unlike a child of the province such as yourself, many have secured the right to carry concealed weapons.

Have a great day.

Rob [95]

Dean Clifford goes further, and claims to have assaulted police officers with impunity on multiple occasions. [96] Nor were certain Detaxer attitudes profoundly different. A 2002 W5 segment entitled "No Tax" [97] reported Detaxers had held Canada Customs and Revenue Agency employees at gunpoint. When asked Detaxer guru Eldon Warman [98] stated this was analogous to chasing a burglar from one's home with a knife.

A claim that the Freeman-on-the-Land movement advocates peaceful interaction with government actors is best characterized as an iron fist in a velvet glove. OPCA leaders say what they teach is peaceful coexistence, but that is provided institutions, police, government, and court actors mind their own business and comply with the Freemen's unilateral reframing of the rules. Interference beyond that is ground for response, including violence, against ***159** these "outlaws". As this review indicates, Menard is, in fact, quite forthright about how a right to engage in violence is simply one of several tools by which a Freeman may claim and exercise their right to "self defence".

(c) What Do OPCA Litigants Do?

Menard's teachings offers a spectrum of responses, ranging from financial and legal retaliation that uses conventional courts and government processes (a.k.a. paper terrorism), to asserting rights through Freeman-on-the-Land *"de jure"* (vigilante) courts and police services, to using force to "defend" oneself. Paper terrorism is a common occurrence, [99] as are (unsuccessful) attempts by OPCA litigants to enforce their pseudolegal claims in the conventional *"de facto"* courts. [100]

(i) Vigilante Judicial and Police Action

Menard has, at a minimum, followed up on his concept of *"de jure"* agencies to enforce Freeman-on-the-Land claims by organizing the C3POs. His recent activities indicate a more active pursuit of this objective. In 2014, after a roadside traffic stop, Menard called for hiring "... true peace officers, arm them, and have them stand against goons ...". [101] Menard, "Acting for The Canadian Common Corps of Peace Officers", then in 2015 sued in the Federal Court of Canada to have himself legally declared a peace officer. Unsurprisingly, that action was struck out. [102] The Federal Court action appears to be a collateral attack by Menard on four 2014 Ontario charges [103] of personating a peace officer. [104] The exact circumstances of the Ontario misconduct are unclear, though Menard has not attended court and is currently the subject of an outstanding arrest warrant.

Vigilante common law courts are a well-established phenomenon in the U.S., and have led to criminal investigation and prosecution. [105] However, ***160** Canada has had few similar examples. The author is unaware of any attempt by Menard or members of the Freeman-on-the-Land movement to organize their own vigilante courts. The Tacit Supreme In Law Courts/ United Sovran Nations/North Watchmen People's Embassy local OPCA movement operates both a vigilante police force and courts. [106] Another vigilante common law court, the International Tribunal into Crimes of Church and State ["ITCCS"], is essentially nothing more than a one-man operation by a defrocked United Church minister, Kevin Annett, and is broadly recognized even in the OPCA community as a meaningless fraud. [107] The ITCCS claimed in 2012-2013 to have dissolved Canada, and convicted and ordered the arrest of numerous politicians and religious figures. [108]

(ii) Violence, Threatened Violence, and Illegal Means of Force

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Violent and threatening conduct by OPCA litigants is not a hypothetical possibility. Instead, it is clear that OPCA litigants are not merely taught they have special authority to enforce their so-called rights, but that they may carry through on those ideas. The scope of violent anti-government activity in the United States by its OPCA communities is well documented, [109] and includes ***161** high-profile terrorist events such as the 1995 Murrah Federal Building bombing in Oklahoma City, [110] and the attempted assassination of U.S. Congressional representative Gabrielle Giffords which killed 6 and injured 14. [111] Even though the Sovereign Citizen community has a much lower public media profile, in 2014 U.S. law enforcement personnel considered Sovereign Citizens as the highest potential risk group for domestic terrorism, ranked above Islamic Extremists/ Jihadists. [112] A recent U.S. Department of Homeland Security intelligence assessment reviewed post-2010 Sovereign Citizen violence, concluded it arises from personal grievances, and predicts these activities will continue at a similar level with the greatest threat being to police officers because of their direct interaction with Sovereign Citizens that then triggers violent "self-defence". [113]

Again, a review of Sovereign Citizen violence is beyond the scope of this article, but it is perhaps helpful to provide one specific recent example of how Sovereign Citizens have reacted to courts that do not accede to their beliefs. On June 6, 2014 Dennis Marx, a Sovereign Citizen drug dealer, assaulted a courthouse in Atlanta, Georgia. [114] He first deployed homemade spike strips to isolate the courthouse, then drove his car up to its front entrance. Marx was wearing body armour, a gas mask, and had multiple weapons including an assault rifle, restraining devices, and homemade smoke grenades and explosives. Marx was killed by court security before he could enter the ***162** courthouse. Investigation later determined Marx had also booby-trapped his home with the intention of killing police. In 2013 Marx had sued local police over an arrest at his residence. [115] The court assault received limited media attention. [116]

Sovereign Citizen violence is directly relevant to Canada simply due to the fact that Sovereign Citizens find their way into this country. *Perreal v. Knibb* [117] reports use of the *ANB v. Hancock* anonymous court appearance procedure. In *Perreal v. Knibb* counsel appeared via pseudonym and telephone because the plaintiff's action, enforcement of a foisted unilateral agreement, was advanced by Montana Freeman Dale Jacobi. [118] The Montana Freemen were a precursor to the modern U.S. Sovereign Citizen movement. [119] Jacobi is best characterized as a domestic terrorist. He was a leader of the Montana Freemen during a three-month armed siege. Jacobi was also arrested as part of a snatch team when the FBI tipped off local police that the Montana Freemen were on their way to abduct, try, and then hang a local judge in a "common law court". [120] Jacobi served his full 13 year, 9 month sentence without parole, and was then deported to Canada. Canadian authorities, at present, rate Jacobi, a former Calgary Police Service officer, as a high threat. [121]

Sovereign Citizen gurus operate in Canada. [122] In 2014 a dual citizen Sovereign Citizen, Glenn Winningham Fearn, [123] was arrested while entering into Canada with illegal weapons. He continued to teach while awaiting ***163** trial, [124] and once convicted [125] absconded into the U.S. at the first opportunity. Fearn now publicly calls for the execution of named Canadian judges. [126]

In Canada, the last several years have seen disturbing incidents, including attempts by OPCA affiliate vigilante peace officers to infiltrate Canadian courthouses, [127] violent interaction between landlords and OPCA tenants, [128] groups of OPCA litigants demanding sole practitioner notaries provide unlawful services or face immediate reprisal, [129] armed confrontation during foreclosure, [130] illegal occupation of Crown land [131] and houses, [132] possession ***164** of prohibited weapons by OPCA affiliates, [133] and an armed Freeman-on-the-Land convicted for threatening to kill police officers, saying he was beyond state authority. [134] Physical confrontation and violence in court is a known phenomenon. [135]

A substantial proportion of OPCA litigants are criminals attempting to evade prosecution or sanction by using OPCA schemes as a 'get out of jail free' card. [136] That includes violent offences, such as murder, [137] and sexual assault of minors. [138]

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***165** OPCA belief may lead to criminal misconduct directed to state actors. While more common in the United States, this has occurred in Canada. One documented example is an Alberta OPCA litigant, "ANB", who engaged in a campaign of harassment and intimidation that targeted the child protection government employees and lawyers involved in state seizure of ANB's children. ANB claimed this breached his OPCA-derived rights to total control of his children. [139] The reported 2012 decision is part of ANB's second criminal prosecution on this basis. In 2011 ANB pled guilty to *Criminal Code*, s. 423.1 intimidation of a justice system participant and s. 264 harassment charges. He was sentenced to four months incarceration (time served). [140] ANB almost immediately reoffended and subsequently pled guilty to the second set of intimidation charges and was again sentenced in 2013 to time served (10.5 months). ANB also went on the offensive and filed a civil action for custody of his children and $20 million "in gold and silver bullion". [141] After his second guilty plea ANB unsuccessfully attempted to initiate Federal Court proceedings against his perceived oppressors.

Several examples of extreme violence by Canadian OPCA affiliates against government actors have emerged. On 8 June 2015 Norman Walter Raddatz opened fire on Edmonton Police Service officers attempting to enter his residence to execute an arrest warrant. Raddatz killed one officer and wounded a second, shot at neighboring properties, set his house on fire, then killed himself. Though Raddatz's residence had been foreclosed and he was facing eviction, [142] the arrest warrant was for unrelated anti-Semitic hate offences. Raddatz's Facebook social media page [143] clearly establishes he had ***166** by 2014 adopted OPCA beliefs including the "Strawman" split-double person duality, that governments are corporations, Canadian courts are "corrupt admiralty court[s]" and do not respect "a natural man's common law right", and that government authority flows from contract. Raddatz also attempted to use OPCA strategies to obtain immunity from government action. Though media reports describe Raddatz as a Freeman-on-the-Land, in the author's opinion the OPCA concepts Raddatz expressed and his political beliefs are more consistent with Sovereign Citizen resources and communities.

Sawyer Clarke Robison [144] was recently acquitted by the Alberta Court of Queen's Bench on two attempted murder charges after RCMP in 2012 tried to search a residence for a handgun. The confrontation that followed left two officers shot and injured, and Robison's uncle Bradley Clark, the second occupant of the residence, dead. Robison fled but was arrested four days later. At that time Robison had with him an illegal and very powerful sniper rifle, and body armour with ceramic plate inserts. The residence contained more body armour, ammunition, and many unsecured firearms, some of which were loaded, illegal, and unregistered. At trial Macklin J concluded the Crown had not established Robison participated in the firefight. Clarke had been the shooter and had committed suicide after he was wounded.

The Crown's evidence clearly indicated Robison embraced OPCA beliefs and techniques, [145] and used OPCA documents in attempts to avoid tax and firearms legislation. Robison is a member of a poorly understood OPCA cell headed by a Michael Earl. [146] No evidence was entered that established Clarke was an OPCA affiliate. Robison is now facing a second criminal prosecution on firearms charges.

Another candidate example of OPCA-based violence is a 2007 triple murder where one victim was Alban Garon, a former Tax Court of Canada Chief Judge. [147] The three victims were tied up, beaten, then suffocated with ***167** plastic bags placed over their heads. The person charged, Ian E. Bush, has only one known link to Garon C.J.: the judge in 2001 dismissed a 1999 income tax appeal by Bush for want of prosecution. [148] While the appeal itself was conventional and prepared by a lawyer, on 29 November, and 1 December 2000 the Tax Court received unusual communication from Bush's residence address that requested the appeal be adjourned. Bush is nowhere named, instead the letterhead and signature is a nine-digit number, which is a valid social insurance number. [149] This is a logical method for an OPCA litigant to indicate that correspondence is from the "Strawman", but not the 'shackled' human being. [150] After the appeal was dismissed Bush faxed the Court a "Notice of Review" from the "High Court of Humanitarian Justice", ordering that Chief Judge Garon appear at Bush's residence:

TAKE NOTICE THAT a review of this decision has been scheduled to be heard on the 7th day of August 2001 at 9:30 a.m. at 1995 Boake Street, Orléans, Ontario.

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TAKE NOTICE THAT if you fail to appear at the time and place set for this review, the decision and its related decisions will be nullified for failure to appear. [151]

While no unequivocal link has emerged to link Bush to the OPCA phenomenon, there is no question that this demand for an extralegal proceeding by a fictitious court is consistent with the commonplace OPCA concept that an individual may take legitimate action via unorthodox procedures of this kind. It is difficult to imagine that Bush was not in some manner exposed to and influenced by an OPCA-type resource or group. [152]

***168** Though not obvious from the reported case law, the illegal and violent activities of Rodney Wayne King are a clear result of OPCA affiliation. In 1999 King declared he was outside Canadian law, and produced his own motor vehicle licence plates and driver's certificates. [153] He said he was persecuted by the "commercial system", [154] and began using a different name, "Captain Rod Malak Yah-Wah". [155]

Search of King's property identified illegal firearms and ammunition. King was arrested [156] and convicted of weapons offences. [157] At trial, King argued he was exempt from Canadian legislation because he is an Ambassador of God and the *Charter's* text means the Bible takes precedent over Canadian law. [158] Documentation from that period indicates King was a member of the Ontario OPCA community [159] and received support from OPCA gurus Tom J. Kennedy, [160] Mozafar Maleki, [161] Wallace Dove, [162] and Brian Richard ***169** Logozar [163] King deployed a wide array of OPCA concepts, including a *Bills of Exchange Act* strategy, a variation on the Three/Five Letters scheme, and the involvement of a vigilante court, "The Ecclesiastical Council of Canada, in Ontario" operating under "Canon Law".

King's rural residence, which he called his embassy, was subsequently sold at auction after King failed to pay several years of property taxes. [164] King, however, claimed he had satisfied that debt with a promissory note. [165] During the eviction that followed, King, who was concealed inside a hidden room, opened fire on Ontario Provincial Police officers and the new owner with a shotgun; one officer was severely and permanently injured. [166] King was charged with two counts of attempted murder, intent to injure, and weapons offences. [167] Whether King was fit for trial then became a point of dispute. King only self-identified as Captain Yah-Wah, and did not acknowledge he was Rodney King. [168] He therefore had no part in the proceedings, and would not participate unless the criminal offence information was amended to identify the accused as Captain Yah-Wah. [169] He otherwise appeared fit and fully aware of the criminal proceedings and their consequence. [170] The trial judge accepted expert evidence that King was not fit to direct his defence, that result was confirmed by the Ontario Court of Appeal, [171] and the Supreme Court of Canada denied leave. [172] King was ordered into involuntary treatment.

***170** In 2008 King at the Ontario Consent and Capacity Board claimed he was capable of managing his property and treatment. [173] The Board decision provides many details of King's beliefs. There are two linked individuals: Rodney King, a "legal person which is a duplicate created by the government" and "a fiction that exists on paper only", vs. Captain Yah-Wah, a "private sovereign". Captain Yah-Wah separated from King at his 2000 baptism, and since then Captain Yah-Wah and his property were only subject to the laws of God. This is obviously a variation on the double/split person "Strawman" belief set. The Board accepted a diagnosis of paranoid psychosis, and concluded that the all-pervasive extent of King's "Strawman" delusions meant that King's claims that he was not responding to drug treatment instead dictated that treatment should continue. King, however, was competent to manage his property. These results were confirmed on appeal. [174]

King was subsequently found fit to stand trial after several years of nonconsensual treatment with antipsychotic drugs. [175] On 5 February 2011, a jury found King guilty but not criminally responsible on account of mental disorder. [176] Expert psychiatric evidence was that King was delusional but did not experience hallucinations, and was atypical in that he could articulate his beliefs, and believed his actions were justified by those beliefs. One expert concluded "[h]is acts were internally rational

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on a delusional foundation." [177] King unsuccessfully appealed in 2014, claiming there was inadequate evidence for the not criminally responsible outcome, and that he experienced prejudice because of "... the treatment of his name during the criminal 'process"'. [178] The second ground for appeal very strongly implies King still believed "Strawman" double/split person concepts were a basis for immunity from criminal prosecution.

The OPCA character of the King litigation was never identified by mental health professionals or the courts. The benefit of hindsight and a better understanding of the OPCA sphere and its associated beliefs raises the possibility that King *never suffered from the mental illnesses diagnosed*. King's OPCA beliefs instead *simulated* mental illness. [179] King rigidly advanced a double/split person "Strawman" defence and his conspiratorial OPCA sphere perspectives were interpreted as delusion. At all points, the judiciary and mental health experts were consistent: aside from his OPCA beliefs King appeared fully rational and aware. [180] The author suggests that if King's jury ***171** had been correctly informed of the context of King's expressed OPCA beliefs, then he may have had his not criminally responsible defence rejected and been convicted.

These examples indicate OPCA affiliation is clearly linked to potential and actual violence. The true scope of OPCA-derived violence in Canada is an unresolved question. If government and law enforcement authorities have accumulated data on this subject then that does not appear to have been publically disclosed. The institutional blindness apparent in the Rodney King scenario is particularly troubling. It appears King was evaluated as an isolated instance of violent conduct by a disturbed individual. If so, King may not have received an appropriate legal response to his misconduct. A flawed understanding of his misconceived OPCA belief of a right to violence may have cost law enforcement and the courts an opportunity to detect that King subscribed to an ideology that permits (if not promotes) violent action against malevolent state actors, and then take precautions to minimize that threat.

(d) Social Sciences Evaluation of the OPCA Phenomenon

The OPCA phenomenon in Canada has been the subject of useful investigation and review by social scientists. Sociologists Stephen A. Kent [181] and Robin D. Willey have observed how the OPCA phenomenon and its attack on court personnel and authority parallels that of religious cults. [182] Both are driven by ideology. Their paper, "Sects, Cults, and the Attack on Jurisprudence", surveys the violent aspects of the Sovereign Citizen movement and its precursors, [183] and how Canadian OPCA affiliates share a common tradition of racism, extreme belief, hostility to government actors, and are an identified security threat. [184] The authors review how ideologically driven groups of this kind employ both legal mechanisms to pressure and exhaust their opponents, [185] and a spectrum of extralegal responses that range from harassment to lethal violence. They conclude that these groups represent a real ***172** threat to judges, court personnel, and lawyers, and are a legitimate basis for security precautions. [186]

Kent subsequently published a second paper that focused specifically on the threat OPCA movements pose to public order. [187] He reviewed subgroups of this kind and their activities, traced the recent emergence of OPCA themes in the UK, Australia, and New Zealand, and linked the spread of these ideas to economic stress that delegitimizes government and financial actors. [188] Interestingly, Kent observes that the behavioral characteristics of OPCA litigants match psychiatric criteria for delusional disorder or paranoia. He concludes that this is an important group for study because its members are "... profoundly alienated from society ...", but "... have no chance of receiving legal recognition ...". [189] The result is not only a threat to government and court operation, but also simply the waste of people's lives. [190]

Canadian forensic psychologists Jennifer Pytyck and Gary A. Chaimowitz recently investigated the mental health implications of OPCA affiliates' bizarre language and paranoid belief in a paper titled "The Sovereign Citizen Movement and Fitness to Stand Trial. [191] The authors explain OPCA concepts using research about U.S. Sovereign Citizens, but the broad penetration of these ideas into Canada means those resources are generally valid in this jurisdiction. The paper reports two case studies of individuals who expressed stereotypic OPCA concepts and were the subject of psychiatric assessment. While both appeared

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psychotic, the authors concluded the OPCA litigants' perspectives and actions were a consequence of honestly held, but extreme, *political* beliefs that have been reinforced in OPCA communities. They therefore conclude that OPCA litigants are legally competent. Their incredible ideas and strange behaviors simulate the symptoms of psychosis, but are not amenable to treatment with antipsychotic medication. The authors stress OPCA affiliates *mimic* mental illness by the formulaic and bizarre manner in which they act and use language and legal terminology.

U.S. forensic psychiatrist George F. Parker comes to essentially the same conclusion in a subsequent evaluation of nine Indiana Sovereign Citizens. [192] ***173** Interestingly, all had prior arrest records, [193] and either pled or were found guilty. [194] One Sovereign Citizen, the first case, was diagnosed with delusional disorder and classified as not fit for trial. [195] In retrospect, Parker concludes this outcome was probably incorrect, and his inexperience with OPCA beliefs led to misdiagnosis of" ... a set of quasi-legal beliefs that are derived from an extreme political philosophy ..." as an indication of mental illness. [196] This had occurred in other reported jurisprudence. [197]

Sovereign citizen action and belief reflects membership in "a cultural group." [198]

A recent academic review of Ontario offenders who harass justice officials evaluated Freemen-on-the-Land as a specific threat subset for activities of that kind. [199] The authors studied a sample of 86 individuals who in 2011 engaged in problematic communications with justice system participants, a group including court officials, police, judges, and parole officers. The status and subsequent conduct of this sample was then reviewed in 2013. Four were Freemen-on-the-Land. All four Freeman engaged in disturbing and harassing communications with their targets (in three cases judges, the other directed to courthouse officers). Half made "approach behaviors", an indicium of escalated risk of violence. Only 18% (15 of 82) of the non-Freeman fraction exhibited this behavior.

It is important to stress that this research provides no data on the frequency at which members of the Freeman-on-the-Land movement threaten law enforcement and judicial personnel. However, taking into account the small Freeman sample pool, this study does suggest Freemen are potentially a higher than average risk group within the larger set of persons who threaten government and court personnel. 75% of the Freeman sample engaged in additional and unrelated criminal misconduct in the two-year period after the initial threat behaviors. [200]

***174** One author of the Ontario study, noted forensic psychologist and threat assessment expert J. Reid Meloy, [201] subsequently identified the U.S. Sovereign Citizens and Canadian Freemen-on-the-Land ideologies as a potential source for the third of the key elements that motivate violence driven by ideology: 1) personal grievance blamed on others, 2) moral outrage linked to a "victimized" group, 3) that is framed by a superficial, cherry-picked ideology that rationalizes aggression. [202] These are the stereotypic features of "lone wolf" terrorists. [203]

These experts in mental health, marginal belief communities, and threat assessment clearly see OPCA litigants as a real threat. Again, it is important to note how these authors identify that risk emerges from the *belief systems* in which OPCA litigants operate. OPCA litigants are a danger because they are taught and believe:

1. they have illusionary legal rights;

2. one of those rights is to be left alone by government actors unless they choose otherwise; and

3. OPCA procedures permit OPCA litigants to go on the offensive, and via legally invalid procedures, such as foisted unilateral agreements, then demand extraordinary remedies from courts and other government actors.

(e) Conclusion--A General Belief in the Right to Exercise Unlawful Processes, Including Force

There is no question that OPCA gurus in Canada teach their customers that they possess a range of special and legally incorrect mechanisms by which to create and enforce what they are told are their rights. It is also clear that OPCA affiliates have acted on

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those instructions, including illegal use of force. It is bad enough that OPCA gurus claim their ideas *permit* one to ignore the law, but some OPCA theories actively *require* their adherents engage in illegal conduct. The "everything is a contract" [204] strategy allegedly only provides immunity from state and court actors if the OPCA affiliate first rejects a contractual relationship with state actors, [205] then refuses all further contracts so as to avoid "joinder" and the restoration of state authority. However, these supposed contracts can emerge from compliance with almost any legal requirement, such as filing an income tax return, paying municipal taxes, having a birth certificate, driver's licence, or public health plan identification, registering a firearm, or using motor vehicle licence plates. Avoiding "joinder" therefore drives OPCA affiliates into direct confrontation with state actors. ***175** This is one reason why police so often have roadside confrontations with OPCA affiliates who refuse to have driver's licences, automobile registration, and motor vehicle insurance. [206]

This does not mean interaction between OPCA affiliates and government and court actors is *necessarily* violent. The documented record of instances of OPCA-related violence suggests that is an atypical step. However, violence is part of a larger spectrum of illegal anti-government action. Paper terrorism is ubiquitous; the volume of reported Canadian OPCA litigation clearly demonstrates that vexatious litigation by OPCA litigants is commonplace. [207]

The factors that lead to this range of illegal antigovernment and institutional action are unique. What makes this community unusual and different, from organized crime for example, is that that OPCA affiliates believe criminal activity is not merely justified, *but legal*. OPCA litigants engage in vexatious litigation and paper terrorism because they believe they have the right to do so. When frustrated, they may use force because that too *is their right*. The ideology of this community is a synergistic aggravating factor, because steps that retaliate against or discipline state actors are not only legal, but *moral and justified* responses to a malevolent tyranny.

4. THE STRUCTURE OF THE OPCA COMMUNITY

To date the Canadian OPCA phenomenon has not been the subject of a social sciences investigation to evaluate the structure and composition of the community or communities that use or advocate OPCA concepts. [208] The author's commentary that follows is derived from review of the large volume of published case law that involves OPCA litigants, direct involvement in OPCA scenarios, and personal review of online OPCA communities. This analysis should therefore be viewed as a preliminary result that may be a useful basis for further quantitative investigation.

The population of persons who use or advocate OPCA concepts is not homogeneous. OPCA affiliates can be divided into four functionally distinct subgroups:

1. **Accidental OPCA Litigants**: individuals who employ OPCA strategies in litigation but are unaware of their unorthodox character;

***176** 2. **Mercenary OPCA Litigants**: individuals only interested in the tangible material benefits and pseudolegal advantages offered by OPCA strategies and not their political and social context;

3. **Cheerleaders**: individuals attracted to the conspiratorial and political ideas and false history of an OPCA movement, but who have no personal interest in putting OPCA concepts to the test; and

4. **Fighters and Believers**: individuals who are attracted to the ideas and ideology of an OPCA movement, but also intend to implement its pseudolegal concepts.

Three of these subgroups are unlikely to be involved in protracted OPCA litigation or more generally engage in litigation with government and institutional actors.

(a) The Accidental OPCA Litigant

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In a 2012 'blog' post Hamilton asked whether some OPCA litigants accidentally stumble into these strategies during self-directed legal research. [209] At first this seems a plausible scenario, particularly since many self-represented litigants ["SRLs"] report they make extensive use of online resources. [210] If true, this would imply a potential substantial overlap between the SRL and OPCA litigant groups.

In fact, it is difficult to see how a naïve SRL would engage in protracted OPCA affiliation. First, at present OPCA concepts are typically presented and propagated in an unusual and extreme political conspiratorial context, [211] the OPCA sphere. [212] Very few online OPCA resources [213] have the kind of professional presentation or rational context that would lead even an inexperienced person to conclude these materials are authoritative. Instead, OPCA information is presented as special or secret knowledge--things the government or "the Banksters" are hiding from you. Second, OPCA schemes offer results that are "too good to be true", [214] or which defy logic. [215] Third, OPCA schemes usually encounter opposition. Even pre-*Meads v. Meads* a ***177** hypothetical Accidental OPCA litigant would very likely be challenged to check the source of their materials, documents, and concepts, for example by court clerks and other litigants. The anomalous character of these materials is obvious after even casual review by legal professionals. OPCA litigants are now often directed to *Meads v. Meads* to clarify the nature of OPCA litigation tactics and the inevitable end result.

As a result starting 'accidental' OPCA litigation is plausible, but, at present, to continue is willful blindness. There are, however, two important exceptions. One is that an event may create a large community of ordinary but distressed individuals who then turn to OPCA strategies, *en masse*. The U.S. 1980s farm crisis has been identified as a basis for the atypical spread of OPCA ideas and activities during that period. [216] At present this exact process is underway in the Republic of Ireland. A recent 'property bubble' has generated an environment that fosters the rapid propagation of Canadian-type Freemanon-the-Land beliefs among distressed mortgage holders in that jurisdiction. [217] Sociologist Stephen A. Kent links this phenomenon to a loss of public confidence in state and institutional actors. [218]

Another way a naïve but well-intentioned SRL may become involved in OPCA litigation is where an agent implements the OPCA strategy on behalf of the SRL. To date, Canadian gurus have not usually operated in this manner, but instead provide instructions that are then implemented by an OPCA litigant. [219] This is analogous to the relationship between a renovation supply store and a home handyman: one provides the tools and general instructions, the other carries out the work. This arrangement is useful (at least for the guru) as it provides plausible deniability when the OPCA strategy fails, [220] and to minimize personal liability.

However, this is not the only manner in which OPCA schemes are deployed. An alternative approach has the guru operate more as a 'contractor' who is paid to take care of everything. The customer's role is only to provide information and perhaps send documents. One such example is Gold Shield Alliance, a U.S.-based debt elimination scam that uses "A4V" OPCA strategies on behalf of its clients--but actively conceals the exact nature of its activities from its customers. [221] The Gold Shield Alliance website [222] has a ***178** plausible, somewhat professional appearance. However, on closer examination, it shows stereotypic OPCA conspiratorial motifs that should raise concern for a cautious layperson. Beyond that, one hopes anyone would be suspicious of claims that a large debt such as a mortgage can be paid off ("zeroed") for an $895.00 fee.

Menard's recent Association of Canadian Consumer Purchasers ["ACCP"] scheme is a further potential example. [223] This program has subscribers pay $250.00 per month to receive a $2,500.00 'Menard Card' debit card. Menard promises he and his associates will take care of the paperwork to operate this scheme. [224] Again, the 'Menard Card' should trigger a skeptical response; free money is too good to be true. OPCA prosperity programs such as the One People's Public Trust ["OPPT" [225] and the SUNKE Temple Trust [226] also use this 'guru as contractor' model. Both these examples ***179** exhibit obvious extreme and unusual belief that should alert any layperson to the highly unorthodox character of these schemes.

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(b) The Mercenary OPCA Litigant

A certain subset of potential OPCA litigants is motivated principally by the anticipated benefits of an OPCA scheme, rather than the manner in which that scheme is framed. [227] This group predictably has only a transitory interest in OPCA ideas and abandons those schemes or litigation once failure threatens.

There are several historical examples of this category and its litigation pattern. Many of the Detaxer population were Mercenary OPCA Litigants, and the majority of this group have either pled guilty or more typically arrived at settled agreements with government authorities once their tax evasion scheme was rejected by the courts. [228] This is a key reason why the Detaxer movement abruptly collapsed in the late 2000s. [229]

The Fiscal Arbitrators tax evasion scheme is another more recent example of Mercenary OPCA litigation. This scam was promoted by Lawrence “Larry” Watts and Aurelius Carlton Branch, [230] and claimed that subscribers could ***180** obtain substantial income tax refunds via a loophole. To date the reported Tax Court of Canada cases have not detailed the exact pseudolegal theory [231] used by Fiscal Arbitrators, but the general scheme was to claim spurious business-related expenses that then generated a loss and tax refunds.

Victims of the Fiscal Arbitrators gurus are now appearing in substantial numbers at the Tax Court of Canada. [232] The overwhelming majority are represented and engaged in what might be described as damage control. These taxpayers have not claimed that the Fiscal Arbitrators OPCA scheme was legally correct, instead admit their outstanding tax liabilities, but argue their conduct should not warrant gross negligence damages. [233]

This is typical of the Mercenary OPCA Litigant group. These individuals are unlikely to engage in protracted OPCA activities but instead operate in a generally pragmatic manner to cut their losses. This group is therefore rarely encountered in actual OPCA-based litigation, though they may be in court in attempts to minimize the negative consequences of those schemes by legally conventional strategies. Mercenary OPCA Litigants show little interest in the OPCA sphere. The OPCA movements that had large and obvious Mercenary OPCA Litigant populations were marketed in a manner that implied these were conventional but sneaky schemes. For example, the Fiscal Arbitrators victims describe attending seminars with professional appearing speakers [234] ***181** who were well dressed and said they were tax experts. [235] Many Detaxer promoters operated in a similar way. [236] Others, like the Paradigm Education Group led by Russell Porisky, used formal, standardized, and professionalappearing educational materials. [237] One Paradigm Education Group promoter, Denise Eddy, actually taught Porisky's theories in a postsecondary education facility, King's University College in Edmonton. [238]

(c) The Cheerleaders

Investigation of OPCA social communities reveals that there are far more ‘talkers' than there are ‘doers'. The majority fraction, the OPCA Cheerleaders, is effectively invisible, at least from the context of reported case law. Cheerleaders do not become OPCA litigants simply because they do not implement OPCA strategies. They just like the ideas. As their name implies, Cheerleaders stereotypically encourage OPCA litigation, but by others. In some cases that is simply within the OPCA sphere community, but Cheerleaders may also attend court proceedings. Many Cheerleaders seem to have a transient presence in the OPCA sphere.

This group makes up the majority of the current OPCA community in Canada, and the now disintegrating Freeman-on-the-Land movement. [239] While the Cheerleaders are plausibly a key component of the OPCA sphere, the details of their character, motivation, and social effect requires further study. [240] A sociological investigation of how this group is distinct from true Fighter and Believer OPCA Litigants would likely be very helpful to better understand what leads persons to actually use these unusual litigation strategies, instead of just expressing an interest in the subject. That said, the author suspects that a substantial

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number Fighter and Believer OPCA ***182** Litigants are simply former Cheerleaders who have ended up in a legal dispute or, possibly, have decided to pick a fight.

(d) The Persistent OPCA Litigant--The Fighter and Believer

The last category of OPCA affiliate is unique. These persons not only believe in and adopt the OPCA sphere's ideological and political context, but are also willing to use OPCA techniques to obtain benefits. They are the stereotypic OPCA litigants: vexatious and often tenacious court participants with unusual pseudolegal and conspiratorial beliefs. This group is responsible for much of the reported OPCA case law, and is also the plausible litigant risk group for antigovernment action. Their potential threat is a necessary end point of a spurious but honest belief that one can define the nature and limits of legal obligation, followed by a desire to act on that belief.

The typical persistent OPCA litigant is a participant in and product of the OPCA sphere, and is therefore very likely to have unusual perspectives and beliefs. At a minimum they accept the “Strawman” narrative and what emerges from that matrix: a belief that OPCA schemes provide a special and justified authority that is not acknowledged by Canadian society, government, courts, or law enforcement.

(e) The Four-Population OPCA Community Structure-- Conclusion

This four-population scheme to model OPCA affiliates provides an immediate basis to conclude that there are very plausibly some litigants who employ OPCA concepts but are low risk. Two subgroups have not internalized the OPCA sphere's conspiratorial and ahistorical worldview:

1. Accidental OPCA Litigants, particularly where the OPCA character of their litigation is concealed from them by ‘gurus as contractors'; and

2. Mercenary OPCA Litigants, who are motivated principally by the intended result of the OPCA scheme.

Both of these groups are plausibly rational actors. One ends up using OPCA schemes because they do not know any better. The second only want a benefit. Both these groups should predictably abandon OPCA strategies once they become aware of their spurious character. [241] OPCA Cheerleaders are irrelevant to calculating the potential risk represented by OPCA *litigants* since this subgroup does not actually interact with the courts. That is not to say that this group does not represent a potential risk in a broader, societal context, for example where a peace officer stops and detains an OPCA ‘traveller’. [242] In that sense, Cheerleaders are a potential source of emergent threats.

***183 5. EVALUATING RISK**

Two factors transform an OPCA affiliate into a potential safety risk:

1. the OPCA affiliate's belief in a personal right to intimidate and use force against perceived infringement of their spurious personal rights, and

2. a willingness to enforce their OPCA-derived pseudolegal rights.

There is no question that OPCA affiliates are taught that they may claim extraordinary personal rights when they ‘opt out’ of society, including a personal right to use force. Recourse to force is, fortunately, unusual. It appears safe to conclude that even in the absence of law enforcement and government statistics on OPCA-related violence that serious incidents of this kind are atypical. [243] Crimes of this type tend to either result in media attention or reported litigation, and OPCA indicia should usually be apparent given their unusual character. [244]

However, the absence of widespread violence does not mean that a typical OPCA litigant does not want and attempt to retaliate against those whom they identify as oppressors. OPCA litigants consistently target opposing parties, law enforcement, and

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government and court actors with fee schedules: [245] foisted unilateral agreements that demand the target pay the OPCA litigants various amounts for routine activities or exercise of legal duties, such as a peace officer detaining a law breaker, or using the OPCA litigant's name. [246] These documents are simply tools of intimidation, [247] and are a typical basis for subsequent paper terrorist activities. This makes very plain that OPCA litigants are entirely willing to engage in extralegal steps. The question, instead, is how far will they go?

This is where the potential targets of OPCA-based aggression would benefit from a threat assessment model tailored to the special characteristics of this group of litigants. While the author does not purport to construct such, it may be helpful to outline some potential factors.

(a) Low Risk Subgroups

The four-part OPCA community model proposes two subpopulations which might be identifiable as low-risk, provided government, court, and institutional actors are aware of the specific nature of the scheme employed. For example, a client of Gold Shield Alliance is plausibly an Accidental OPCA litigant. Similarly, a taxpayer who employs the Fiscal Arbitrators scheme is most likely a Mercenary OPCA litigant. Both groups are potentially rational actors who should readily abandon OPCA litigation without escalation. That ***184** should also be true for Mercenary OPCA litigants who deploy schemes derived from the deep OPCA sphere context of conspiracy and pseudolaw on the basis that it cannot hurt to at least try these methods.

There are several issues with classifying OPCA litigants on this basis. First, that would require sophisticated intelligence on an OPCA scheme, its marketplace, and promotion format. This may not always be readily available; many OPCA schemes are promoted and operate in a clandestine manner. [248] A second issue is there are known examples of true Fighter and Believer OPCA litigants employing these specific potentially low-risk OPCA strategies. [249]

There is, however, an even simpler way to identify OPCA Accidental and Mercenary OPCA litigants: how they respond to explicit rejection of their OPCA scheme. They should quit. There is some evidence to suggest that not only occurs, but is true for a large proportion of persons involved in OPCA litigation. Since 2013 the Edmonton Alberta Court of Queen's Bench has employed a procedure where court clerks are instructed to reject filing of documents that exhibit a number of unique OPCA-specific indicia. [250] The person who attempts to file these materials receives a copy of the court order mandating this procedure, along with instructions to either remove the identified prohibited formal defects, or challenge that rejection by writing to an administrative court justice. The court order explicitly directs the attempted filer to *Meads v. Meads*.

Approximately 90% of persons who had documents rejected discontinued their OPCA litigation activities. 5% unsuccessfully challenged the filing rejections, and then discontinued their OPCA activities. This result strongly ***185** suggests that a very large proportion of OPCA litigants are not particularly wedded to their schemes, at least at an early point in litigation. This early intervention also minimizes the deleterious potential consequences of OPCA based litigation to Accidental and Mercenary OPCA litigants, such as unfavourable cost awards or worse. The document interception procedure has now been expanded to operate province-wide. The proportion of these individuals who were either Accidental [251] or Mercenary OPCA Litigants is not obvious. Another possibility is that a certain proportion of OPCA affiliates may begin as Mercenary OPCA Litigants but then shift to the Fighter and Believer vexatious OPCA Litigant category.

The author strongly suspects an early response to emerging OPCA-based activity is important. The Alberta Court of Queen's Bench also preemptively responds where OPCA documents are identified on file. A justice writes the OPCA litigant to indicate that these materials have an OPCA character, have no legal effect, but will be retained on file as evidence for the purposes of calculating costs, vexatious litigation and litigant status, contempt of court, and possible criminal sanction. [252] While a substantial fraction of OPCA litigants then discontinued OPCA litigation, others maintained their OPCA strategies. This suggests that as OPCA-based litigation continues, the OPCA litigant will become increasingly invested in that strategy and its success. If true, then that means that an early response, judicial or otherwise, is potentially very effective and not only identifies low-risk OPCA litigants but in general discourages pursuit of these schemes.

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(b) A Potential For Violence

Risk evaluation is less certain for a Fighter and Believer OPCA litigant who persists after his or her beliefs are rejected or rebutted. A critical point is that modern threat assessment theory stresses a multifactoral approach, and for example includes individual aspects of a threat candidate, such as personal and family history, education, and substance abuse, medical, and psychiatric issues. [253] Potential group-based violence is also examined in a contextual analysis. [254] The author suggests some potential and unique OPCA-related risk factors warrant consideration:

1. Affiliation and submersion in the OPCA sphere and its belief system that the state and state workers are evil. The OPCA social community repeats and recycles motifs to reinforce that government actors, particularly police, are ruthless, violent, and corrupt. This is an accepted norm among many ***186** OPCA sphere residents. These beliefs justify retaliation on a moral basis--the target deserves punishment.

The potential role of the OPCA sphere community is complex and warrants study. Some aspects of its operation are obvious: Cheerleaders encourage OPCA affiliates to escalate their activities. Failure to do so means losing face with one's peers. Unexpectedly, OPCA sphere residents show very little respect for OPCA litigants who fail and are then sanctioned or incarcerated as a consequence. Rather than being seen as heroic martyrs, they are instead shunned, presumably for having been unskillful or irresolute in their application of OPCA techniques.

2. Steps to ‘formalize claims' or ‘warn’ targets that they have overstepped their authority. This is usually a document. For example, a NOUICR allegedly formalizes that a Freeman-on-the-Land has ‘opted out’, and now any state actor who breaches claimed rights has done so as an “outlaw”. Warning documents often take the form of a foisted unilateral agreement where a failure to rebut a proposition means agreement, for example, that the target is acting without authority. In either case, these documents are a basis for a perceived authority to take unorthodox or illegal steps, and potentially may indicate what specific response the OPCA litigant actually plans to take.

3. Claiming institutionally-derived rights to assert vigilante authority, such as membership in a vigilante police force or that an OPCA litigant is enforcing the decision of a vigilante court. [255] These too are a basis for the OPCA litigant to conclude he or she has a ‘legal’ basis to act.

4. Creating unique or personal variations of OPCA form documents or pseudolegal strategies.

5. The OPCA litigant subscribes to the concept that OPCA-derived immunity continues only if the litigant avoids “joinder” by refusing to conform to all government requirements.

6. The kind of interest in play. Logically an OPCA litigant is more likely to take an extreme step in response to a major potential injury, such as the loss of a home or a child.

It is plausible, if not likely, that the risk factors for law enforcement personnel may be different. In the United States and Canada more extreme illegal response may be linked to instances where a government agent or police officer has personally initiated contact with an OPCA affiliate in a manner that challenges the OPCA affiliate's perceived rights. [256] If true, then that emphasizes why tracking OPCA affiliates is highly important, not just for the safety of law enforcement personnel, but also for other government officials such as municipal bylaw officers or Canada Revenue Agency investigators, who may otherwise unexpectedly find themself as the ‘point man’ in an encounter with a hostile, threatened OPCA affiliate.

***187 6. CONCLUSIONS AND OBSERVATIONS**

This investigation clarifies a number of important controversies and therefore better focuses future attempts to identify, assess, and respond to OPCA affiliates and their associated social risk.

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(a) A Perceived Justified Right to Retaliate by Illegal Means

There is no question that OPCA affiliates are taught that they have a right to take extraordinary and legally incorrect steps in response to perceived intrusions by state, court, police, and institutional actors into what OPCA affiliates unilaterally declare are their rights. This includes violence, either direct or mediated by vigilante courts and police.

On its own, belief in these legally incorrect rights might be comparatively harmless. However, these misconceptions are set in the "Strawman" mythos, which means these targets are not merely "outlaws", but are agents of a malevolent, tyrannical state. OPCA pseudolegal beliefs are deeply interwoven with a dystopian world perspective that paints government, court, and institutional actors in a very negative light. They are oppressors with evil intent. The author suspects the "Strawman" myth is less a cause of that perspective than a reflection of the pre-existing bias held by residents of the OPCA sphere. The "Strawman's" unique contribution is it provides a justification to strike back.

(b) OPCA Litigants Accept and Act on These Beliefs

Asking whether OPCA affiliation leads to violence is the wrong question. The correct inquiry is whether OPCA affiliates believe they have a right to retaliate against "outlaws"--and they do. Personal violence by OPCA affiliates is only one end of a spectrum of retaliatory mechanisms that OPCA gurus teach are available, legally correct, and morally justified. Violence is unusual but paper terrorism is not. Put another way, OPCA litigants routinely attempt to engage in illegal activities that target government and court actors. That is a *normal* component of OPCA litigation.

Arguably, the spectrum of anti-government OPCA responses is also a path of escalation. The first step is a fee schedule or some other foisted unilateral agreement paper-based retaliatory scheme intended to intimidate a government, court, or institutional actor. Threats of this kind are ubiquitous; there is scarcely an OPCA proceeding where an OPCA litigant does not warn of fines under a fee schedule, threaten ungrounded legal action or liens, or demand a "bond". When that inevitably fails some OPCA litigants register property interests without valid authority, [257] or attempt to enforce their pseudolegal claims in conventional *"de facto"* courts, where those claims are consistently rejected. [258] What then?

***188** The remaining steps on this path of escalation appear to be much less common in Canada. Recourse to *"de jure"* vigilante police and courts is certainly discussed in OPCA circles, but there are few documented examples. Last, there is the possibility that an OPCA litigant may take the (pseudo)law into his or her own hands. Again, this is uncommon but, as this review indicates, not unknown.

(c) Some OPCA Litigants Are Plausibly Low Risk

Certain OPCA litigants plausibly represent a low risk for illegal conduct, though there is a high probability that these litigants will use materials that incorporate threats of paper terrorism. These subpopulations, the Accidental and Mercenary OPCA litigants, are not a significant security concern because they will predictably discontinue their OPCA strategies when confronted. In effect, this is a self-correcting issue. The more potentially dangerous Fighter and Believer OPCA litigants can therefore be identified by their persistent continued OPCA litigation and expression of OPCA sphere beliefs.

(d) Why Study of OPCA Litigation is Important

Study of OPCA litigants is important in a number of senses. Some are logistical. OPCA litigation is notoriously time and cost expensive; this is a community of vexatious litigants who waste court and litigant resources. This review identifies instances of violent and threatening behaviour associated with membership in the OPCA sphere. The U.S. example with its Sovereign Citizen and Moorish populations is a sobering illustration of the potential violent end point of these beliefs. In the absence of better statistical evidence an attempt to estimate the probability that a given OPCA affiliate may engage in anti-state and institutional violence is probably best described as a guess.

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However, concluding that Canada's OPCA affiliate population is a 'kinder and gentler' variation may be incorrect. One more credible estimate is the U.S. has 300,000 Sovereign Citizens, with a 'hard core' of 100,000. [259] The author's guestimate would be Canada's OPCA sphere has approximately 2,000-4,000 residents. [260] If generally correct, then the observed activities of this smaller ***189** population suggests a more alarming indication of the threat Canadian OPCA affiliates pose on an individual basis. Canada may not be so different from the U.S., and that seems more likely when one considers that Canadian state and court authorities appear to have difficulty in identifying OPCA-affiliated violence.

Canadian OPCA affiliate activity may also be shifting in response to the recent explicit judicial rejection of modern Canadian OPCA theories. [261] Unfortunately, many OPCA affiliates do not view these in-court failures as clarification of the law, but instead interpret this result to mean that the judges who have rejected their arguments are corrupt and have failed to uphold the true but concealed common law or natural law. The logical recourse then is to establish *"de jure"* (vigilante) organs to enforce the 'true law'. While OPCA gurus such as Menard sometimes hypothesize that there may be exceptions, good people who are cogs in an evil system, this possibility is framed in the context of whether or not the government actor will pierce the illusionary conspiracy and recognize the OPCA affiliate's true (fictional) rights. Those who do not are simply part of the conspiracy. Among state 'enemies', law enforcement is uniquely despised. [262] There is another important reason why a ***190** better understanding of illegal OPCA-based retaliatory activities is important. This article has focused on the very real risks and harmful consequences these beliefs represent to government, law enforcement, court, and institutional actors. However, that is only one half of the equation. OPCA strategies inflict terrible damage on those who attempt to apply them, including incarceration, broken families, [263] severe financial injury, [264] psychiatric detention, [265] and the loss of homes. [266]

But that pales in comparison to the consequences of OPCA-based intimidation and violence. It is a possible that ANB may still have retained some contact with his children, were it not for him being introduced to the pseudolegal concepts that drove his illegal activities. Glenn Winningham Fearn, at one time an aerospace engineer, is now unemployable and lives a nomadic existence in a truck and paper clogged trailer, without tangible income or savings, and as a fugitive from his birth country. [267] Rodney King provides an even more stark and terrible result: a life dramatically changed, now almost a decade in detention, being subject to indeterminate involuntary drug treatment, and with no basis to anticipate release. King's life may have taken a very different trajectory, if only he had not submerged himself in the OPCA sphere and its malignant atmosphere.

***191 (e) Academic Criticism of Security Responses to OPCA Litigation**

Returning to the concerns expressed by Hamilton and Woolley, they are very likely correct that a portion of the OPCA litigant population represents a low risk for illegal misconduct. For certain OPCA movements, such as the Detaxers, this fraction may be a large portion of the potential OPCA litigant community. However, the injury imagined by these authors to the low threat subpopulations from heightened court and state security precautions is not plausible. Accidental OPCA litigants instead profit from early confrontation and the consequential discovery that they are engaged in unorthodox litigation. Mercenary OPCA litigants use OPCA tactics for a perceived benefit, and therefore do not principally interact with courts in a context sensitive to "distrust and suspicion". Rather, they are calculating, self-interested parties. As rational actors, both these subpopulations benefit from an immediate and explicit challenge to their mistaken beliefs. These individuals then rapidly exit the trial process, leaving the problematic and vexatious Fighter and Believers to continue litigation that results from their commitment to the deep OPCA sphere matrix of conspiracy and pseudolegal beliefs, which in Canada is stereotypically associated with the "Strawman" mythos.

Persistent OPCA litigants are very likely to engage in illegal activity, ranging from paper terrorism and up. It is possible that Hamilton and Woolley simply were unaware of the nearly universal degree to which persistent OPCA litigants believe and act on their perceived but illegal rights. Unfortunately, experience has taught that illegal action can be anticipated from this population. One hopes that legal and other commentators who are aware of the full spectrum of threats associated with the "extreme ideas" that are ubiquitous in the OPCA sphere would have serious concerns over the potential consequences of ideologically-driven action by this population. A security-oriented response is therefore appropriate to guard the safety of the

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many lawyers, government, law enforcement, court, and institutional actors who are identified by OPCA litigants as enemies, oppressors, and “outlaws”. Parliament is explicit that threats and intimidation directed to these critical components of Canada's justice apparatus must be denounced and deterred. [268]

Then there is the U.S. example, which shows OPCA affiliation can lead to what can only be classified as terrorism. Canada has, to date, been spared this outcome, but that is no reason to ignore this possible, though perhaps not probable, threat. If the U.S. experience is representative, then Canadian OPCA affiliation is a real risk to law enforcement and other frontline government employees. The Raddatz, King, and Robison scenarios illustrate that point. Canadian courts, Parliament, the legislatures, and law enforcement are still at an early point in the process of characterizing and responding to the unique challenge represented by the OPCA sphere phenomenon: an alienated, ***192** belief-driven, paranoid community who claim rights so extraordinary that they appear to be mentally ill and disconnected from reality. This unusual development is best met by a flexible, purposive response that both preserves the legal rights of these persons, but also protects those they identify as enemies from illegitimate, unlawful attack.

(f) Further Investigation

This study raises additional questions and highlights the need for further investigation. An OPCA-specific threat evaluation protocol based on historical data would obviously be very useful to law enforcement, government, and court actors. The full scope of violent OPCA-related behaviour in Canada is unresolved. There is an alarming possibility that there are other Rodney Kings who have not been accurately characterized.

The interrelationship between criminal activity and OPCA affiliation deserves investigation. A significant proportion of OPCA litigation is to defeat criminal prosecution. [269] Is this an ideology by criminals, [270] for criminals? There is now evidence that early court confrontation of OPCA litigation is a potentially effective response to these vexatious strategies. The same may be true for government, and institutional actors. There has clearly been a tendency to ignore strange or eccentric documentation. That may be a mistake. The author has observed in OPCA social network communication that OPCA sphere residents place great significance on the fact that banks and government bodies have not explicitly rejected or returned documents they perceive as able to pay debts or create (foist) authority or rights. Is there any reason to risk confirmation bias by not simply returning these materials as worthless?

Last, it would be helpful for social sciences and mental health professionals to investigate potential methods to better communicate with and influence those immersed in the OPCA sphere. This analysis may necessarily overlap both professions. Quebec Court of Appeal Justice Yves-Marie Morissette [271] has observed how the persistent litigation pattern of vexatious litigants can be characterized both as a psychiatric disorder, but also as a reflection of social belief. Perhaps the same is true for the Fighter and Believer. Effective communication is important because OPCA ideas are not innocent. Instead, they are toxic in both their effect on their targets, and to those who are infected by them. These concepts are patently false, and though there is no obvious mechanism to challenge the morass of belief, paranoia, and lies that circulate in the deep OPCA sphere, there is little question that almost everyone would be better off if this phenomenon were to go extinct, and represent nothing more than a historic example of the ‘Madness of Crowds'. [272]

***193** In this paper, Menard has provided a voice for the members of this small, highly introspective and paranoid community. It is therefore only appropriate that he has the last word: the conclusion of his letter to RCMP officers: [273]

... And pay very close attention to this part: we out number you very badly. As peaceful and well mannered as we can be, wake our ire and you will pay *very* dearly. We are not sheep; we are peaceful, patient and perhaps slumbering guards [sic] dogs, and it will be your greatest woe if we wake to you shearing our freedoms and rights, stealing our wealth or harming our families and country. You will be made to pay. When I say you will pay, I do mean very dearly indeed. [274] [Emphasis in original.]

Footnotes

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1 By the author's count *Meads v. Meads*, *infra* has been cited or applied in 102 Canadian judgments (91 in relation to OPCA subjects), as well as in decisions from Australia, the Isle of Jersey, Northern Ireland, Scotland, the Republic of Ireland, and the United States. These figures only hint at the influence of this 2012 decision. The majority of OPCA-related litigation does not result in reported judgments.

2 *Meads v. Meads*, 2012 ABQB 571, 2012 CarswellAlta 1607, 3 A.R. 215 (Alta. Q.B.).

3 Donald J. Netolitzky, "The History of the Organized Pseudolegal Commercial Argument [OPCA] Phenomenon in Canada", (2016) 53 Alberta Law Review, in press.

4 The author has identified 723 Canadian reported judgments that include OPCA components or relate to OPCA litigation. Of those 149 are collected in *Meads v. Meads*, 258 were decided after *Meads v. Meads* was released, and 316 predate *Meads v. Meads* but were not reviewed in that decision.

5 Netolitzky, *supra*.

6 Netolitzky, *supra*, at IX(B).

7 See Netolitzky, *supra*, at IX(A). In *Meads v. Meads*, *supra* this concept is discussed at paras. 417-446 as the "double/split person" motif.

8 For example: *Meads v. Meads*, *supra*, at paras. 175, 181, 257-261; *Fearn v. Canada Customs*, 2014 ABQB114, 94 Alta. L.R. (5th) 318 (Alta. Q.B.) at paras. 5, 232; *ANB v. Hancock*, 2013 ABQB 97, 2013 CarswellAlta 404, (*sub nom.*A.N.B. v. Alberta (Minister of Human Services)) 557 A.R. 364 (Alta. Q.B.) at para. 14; *Perreal v. Knibb*, 2014 ABQB 15, 2014 CarswellAlta 16, 8 Alta. L.R. (6th) 55 (Alta. Q.B.) at paras. 26-32; *R. v. McCormick*, 2012 NSCA 58, 2012 CarswellNS 375, 317 N.S.R. (2d) 273 (N.S. C.A.) at paras. 38-43; *R. v. McCormick*, 2012 NSSC 288, 2012 CarswellNS 552, 319 N.S.R. (2d) 17 (N.S. S.C.) at paras. 34-36; *R. v. McCormick*, 2012 NSSC 150, 2012 CarswellNS 264 (N.S. S.C.) at paras. 9-10.

9 For example: Bill Graveland, "Spy agency anxious over increase in 'phenomenon' of Freeman anti-government ideology in Canada", *National Post* (18 December 2013); Jim Bronskill, "Officers need better training to deal with growing threat from potentially aggressive 'sovereign citizens,' police say", Canadian Press (24 October 2013); Tama Gignac, "More about the Freeman-on-the-land movement", *Calgary Herald* (26 September 2013); Bill Kaufmann, "Freemen's violent U.S. history being eyed by Canadian authorities", *Calgary Sun* (13 October 2013).

10 A 2012 Canadian Security Intelligence Service report entitled "2012 Domestic Threat Environment in Canada (Part I): Left-Wing / Right-Wing Extremism" disclosed via an access to information request identifies the Freeman-on-the-Land movement as a source of increasingly frequent incidents. This report is extensively redacted and thus does not disclose CSIS's actual threat assessment on this group. Scribd, online: https://www.scribd.com/doc/118731437/Domestic. Police forces identify the Freeman-on-the-Land movement as a particular threat, and for example have issued bulletins that describe beliefs and unusual but characteristic conduct of these individuals, see "E" Division Criminal Intelligence Section, Provincial Intelligence Centre, "Officer Awareness Bulletin: Freeman-On-The-Land" (3 August 2011), We The People Press, online: http://www.wethepeoplepress.ca/documents/Freeman_RCMP.pdf. This is nothing new. RCMP considered the earlier Detaxer OPCA movement a potential threat due to its links to the Sovereign Citizens and other U.S. OPCA movements: Kim Bolan, "Speakers with Anti-Semitic Ties Coming to B.C. Rally", *Vancouver Sun* (20 March 2001).

11 In Canada, the OPCA phenomenon has chiefly been studied and documented by amateurs or hobbyists. Some are skeptics and critics; others are OPCA advocates. The author has not usually referenced these sources, however their efforts made this article possible. The author thanks these individuals, irrespective of their motivation, for identifying and saving critical information and resources that would otherwise have been lost, or impossible to locate and retrieve.

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12 The author was directly involved in over 100 court scenarios with OPCA aspects and has reviewed many additional case files that document historical instances of OPCA activity in Canada.

13 Amy Salyzyn, "Canada: Foreclosures, freemen, foreign law schools and the continuing search for meaningful access to justice", (2013) 16 Legal Ethics 223. This author, at 228 endorses the 'blog' opinions of Julie Macfarlane ("Avoiding conflation, OPCA's and self represented litigants" (6 October 2012), online: http://drjuliemacfarlane.wordpress.com/2012/10/06/the-press-and-t/, concerning argued misapplication of OPCA-related case law.

14 Thomas Bloy, "Pseudo-law and Debt Enforcement", (2013) NZ Law J. 47.

15 See *Bank of Montreal v. Rogozinsky*, 2014ABQB771, 2014 CarswellAlta 2321 (Alta. Q.B.) at paras. 48-54.

16 Tomás Keys, "Freeman on the Land and Other Organized Lay Litigant Groups--Part 1", (2014) 10 C.L.P. 230 ["Keys #1"]; Tomás Keys, "Freeman on the Land and Other Organized Lay Litigant Groups--Part 2", (2014) 11 C.L.P. 256 ["Keys #2"]; Garret Sammon, "Organized Pseudo-Legal Commercial Argument Litigation: Challenges for the Administration of Justice in Ireland", (2015) 38 Dublin University L. J. 85.

17 University of Calgary, Faculty of Law.

18 University of Calgary, Faculty of Law.

19 Jonnette Watson Hamilton & Alice Woolley, "What has Meads v. Meads wrought?" (8 April 2013), online: ABlawg http://ablawg.ca/2013/04/08/what-has-meads-v-meads-wrought/.

20 It surveys seven decisions but omits another three that apply *Meads v. Meads*: *ANB v. Hancock*, *supra*; *MacDonald v. Smith*, 2013 NSSC 143, 2013 CarswellNS 287 (N.S. S.C.), affirmed 2013 CarswellNS 767 (N.S. C.A.): *R. v. Bydeley*, 2012 ONCJ 837, 2012 CarswellOnt 17276 (Ont. C.J.). *M.D.C. v. T.C.*, 2012 NBQB 376, 2012 NBBR 376, 2012 CarswellNB 730, 2012 CarswellNB 731 (N.B. Q.B.) is another OPCA judgment from the relevant window but does not cite *Meads v. Meads*.

21 Some of this criticism by Hamilton and Woolley is incorrect, see Netolitzky, *supra*, at IX(C). Hamilton and Woolley do not appreciate that courts cannot always respond to OPCA arguments in a reasoned manner. Some wide-spread OPCA ideas, such as the double/split person "Strawman" motif and the "A4V" money for nothing scheme, emerge from a matrix of conspiracy and false history, and are simply wrong.

22 *Fearn v. Canada Customs*, *supra*, at paras. 191-252.

23 *U.S.A. v. Phillips* (2 October 2014), 1:12-cr-872 (US DR N District Il E Division).

24 *R. v. Lavin*, 2013 ONCJ 6, 2013 CarswellOnt 122 (Ont. C.J.).

25 Jonnette Watson Hamilton, Alice Woolley, "Consequences of being an OPCA Litigant?" (10 May 2013), ABlawg, online: http://ablawg.ca/2013/05/10/consequences-of-being-an-OPCA-litigant/.

26 ANB v. Hancock, 2013 ABQB 97, 2013 CarswellAlta 404, (*sub nom.*A.N.B. v. Alberta (Minister of Human Services)) 557 A.R. 364 (Alta. Q.B.).

27 In an earlier 'blog' post, Jonnette Watson Hamilton, "The Organized Pseudolegal Commercial Argument (OPCA) Litigant Case" (30 October 2012), online: ABlawg http://ablawg.ca/2012/10/30/the-organized-pseudolegal-commercial-argument-OPCA-litigant-case/, Hamilton reports attempts to locate academic commentary on OPCA-related subjects but only identified a journal article that discusses gay and lesbian "micro-nationalist" communities: Judy Lattas, "Queer Sovereignty: The Gay & Lesbian Kingdom of the Coral Sea Islands", (2009) 1:1 Cosmopolitan Civil Societies Journal 128.

28 Substantial commentary is found in: Mark Edward DeForrest & James M. Vache, "Truth or Consequences Part Two: More Jurisprudential Errors of the Militant Far-Right", (2000) 35 Gonz. L. Rev. 319; Erick J. Haynie, "Populism, Free Speech, and the Rule of Law: The 'Fully Informed' Jury Movement and its Implications", (1998) 88 J. Crim. L. Criminology 343; Wilson Huhn, "Political

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Alienation in America and the Legal Premises of the Patriot Movement", (1999) Gonz. L. Rev. 417; Susan P. Koniak, "When Law Risks Madness", (1996) 8 Cardozo Stud. L. Literature 65 ["Koniak #1"]; Susan P. Koniak, "The Chosen People in our Wilderness", (1996) 95 Mich. L. Rev. 1761 ["Koniak #2"]; Francis X. Sullivan, "The 'Usurping Octopus of Jurisdictional/Authority': The Legal Theories of the Sovereign Citizen Movement", (1999) Wis. Law Rev. 785; Michelle Theret, "Sovereign Citizens: A Homegrown Terrorist Threat and Its Negative Impact on South Carolina", (2012) 63 S.C.L. Rev. 853; James M. Vache & Mark Edward DeForrest, "Truth or Consequences: The Jurisprudential Errors of the Militant Far-Right", (1997) 32 Gonz. L. Rev. 593; Angela P. Harris, "Vultures in Eagle's Clothing: Conspiracy and Racial Fantasy in Populist Legal Thought", (2004-2005) 10 Mich. J. Race L. 269, at 292-297; Thompson Smith, "The Patriot Movement: Refreshing the Tree of Liberty with Fertilizer Bombs and the Blood of Martyrs", (1997) 32 Val. U. L. Rev. 269; Louren Oliveros, "Sacrificing People, Protecting Hate: An Analysis of Anti-Militia Statutes and the Incitement to Violence Exception to Freedom of Speech as Legal Protections for Members of Groups Targeted by Hate-Motivated Violence", (2000) 30 N. M. L. Rev. 253; J. Melle, "Illogical Extremes: The Sovereign Citizens Movement and the First Amendment", (2013) 22 Temp. Pol. & Civ. Rts. L. Rev. 554-586; Daniel Lessard Levin & Michael W. Mitchell, "A Law Unto Themselves: The Ideology of the Common Law Court Movement", (1999) 44 S. D. L. Rev. 9; Joshua P. Weir, "Sovereign Citizens, A Reasoned Response to the Madness", (2015) 19 Lewis & Clark L. Rev. 829. Some of these papers are cited in *Meads v. Meads, supra*, at para. 181. The other U.S. OPCA litigant community, the Moorish Law, Moorish Nation, or Moorish Temple movement, is addressed in Kaitlyn Compari, "The Moorish Science Temple of America and the Legal System: Exploring the Need to Take Proactive Measures Against Radical Members of an Incorporated Religion", (2014) 15 Rutgers J. L. & Religion 507. Arecent decision of Judge Richard A. Posner comprehensively rejects a series of OPCA jurisdiction and immunity arguments advanced against income tax fraud charges by what is obviously a Moorish Law litigant, "Hakeem El Bey": U.S.A. v. El Bey, 1:14-cr-00447 (N.D. Ill. ED, 2015).

29 For example: ADL, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 2d ed (New York: ADL, 2012), online: http://www.adl.org/assets/pdf/combating-hate/Lawless-Ones-2012-Edition-WEB-final.pdf; Southern Poverty Law Center, "Sovereign Citizens Movement", online: http://www.splcenter.org/get-informed/intelligence-files/ideology/sovereign-citizens-movement.

30 *Meads v. Meads, supra*, at paras. 69, 141-143, 176-182, 531-532.

31 While this term was coined by the author (see Netolitzky, *supra*, at IX(B)), this unusual community is also identified, though not named, by forensic psychiatrists Pytyck and Chaimowitz, see text accompanying footnote 191.

32 See Netolitzky, *supra*, at IX(A).

33 Koniak #2, *supra* provides an excellent explanation and review of the Sovereign Citizen alternative interpretation of U.S. history that underlies the Redemption variation of the Strawman. Notably, it has deeper theoretical roots than Menard's version of this construct. See also Netolitzky, *supra*, at IV-V, IX(A); Theret, *supra*, at 864-865; *U.S.A. v. Phillips, supra*, at 15-16.

34 This is the double/split person concept discussed in *Meads v. Meads, supra*, at paras. 417-446.

35 See Netolitzky, *supra*, at IV.

36 The double/split person motif runs throughout Menard's texts: Robert Arthur, *Your Child OR Her Life! DECEPTION AND EVIL IN THE Ministry of Children, Family and Community Development* (Elizabeth Anne Elaine Society) [*"Your Child OR Her Life!"*] at 12-13, 40; Robert Arthur Menard, *Bursting Bubbles of Government Deception* (Vancouver: Elizabeth Anne Elaine Society and Freddy Freepickle Productions, 2004) [*"Bursting Bubbles"*] at 5-9; Robert Arthur Menard, *13 Things The Government Doesn't Want You To Know* (Vancouver: Elizabeth Anne Elaine Society and POOPIE!, 2003), [*"13 Things"*] at 13; Robert Arthur Menard, *With Lawful Excuse* (Elizabeth Anne Elaine Society and Freddie Freepickle Productions, 2011) at 16-17, 167; Robert Arthur Menard, *Parking Tickets: The Scam Revealed!* (Elizabeth Anne Elaine Society, 2004) at 16.

37 *Meads v. Meads, supra*, at paras. 206-211. For example, "Robert-Arthur: Menard"

38 *13 Things, supra*, at 15-16, 19-20; *With Lawful Excuse, supra*, at 48.

39 Netolitzky, *supra*, at III.

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40 Christopher S. Jackson, "The Inane Gospel of Tax Protest: Resist Rendering Unto Caesar--Whatever His Demands", (1996) 32 Gonz. L. Rev. 291 provides a comprehensive review of these 'loophole' schemes. See also Harris, *supra*, at 277-285; D. Cords, "Tax Protestors and Penalties: Ensuring Perceived Fairness and Mitigating Systemic Costs", (2005) B.Y.U.L. Rev. 1515, at 1531-1543. One such example is Peter Eric Hendrickson, author of *Cracking the Code: The Fascinating Truth About Taxation in America*, online: Lost Horizons http://losthorizons.com/Cracking_the_Code.htm.

41 Netolitzky, *supra*, at V, IX.

42 Dean Christopher David Clifford, see Netolitzky, supra, at V. Clifford founded the FreemanITOBA group (formerly http://www.freemanitoba.com, now defunct), and until late 2013 actively toured and promoted his concepts, online: http://deanclifford.info/media/seminars/. Clifford was then arrested on drug production and firearms charges, convicted, and sentenced to three year incarceration: *R. v. Dean Clifford* (8 January 2016), Winnipeg CR14-01-33786 (Q.B.) ["Clifford Criminal Trial"]. Clifford only obtained judicial interim release after nearly 16 months of pre-trial remand detention. While in detention Clifford's activities led to further criminal proceedings for threats to kill or cause bodily harm to law enforcement personnel: Ian Hitchen, "Freeman rep clashes with judge, tossed from court", *Brandon Sun* (3 October 2014); Ian Hitchen, "Accused threatened police: Crown", *Brandon Sun* (9 December 2014). Clifford has also conducted unsuccessful civil actions against his 'oppressors' in the Manitoba Court of Queen's Bench (*Clifford v. Her Majesty the Queen et al.*, 2014 MBQB 192, 2014 CarswellMan 586, (*sub nom.*Clifford v. Manitoba) 309 Man. R. (2d) 309 (Man. Q.B.)) and Federal Court (*Clifford v. Her Majesty The Queen* (May 16, 2014), Doc. Winnipeg T-869-14 (F.C.)).

43 Most OPCA gurus are not writers but talkers. The typical instructional format is a video recorded seminar where the guru speaks and writes on a white board. More rarely the recorded seminar is accompanied by a PowerPoint presentation. Review of this material is time intensive and tedious, these resources rarely cite sources, and are also difficult to reference and review for consistency. Guru seminars are often more an exercise in stream of consciousness than an organized lecture. The author suspects this is in certain instances intentional, or, at least for gurus, a happy coincidence. Presenting concepts in this manner makes critical review difficult, and leaves the impression that OPCA concepts are more sophisticated than they actually are.

44 Netolitzky, *supra*, at IV, VII.

45 See *Meads v. Meads*, *supra*, at para. 331. Dennis Larry Meads, the OPCA litigant in that decision, clearly based his litigation strategy on an unidentified U.S. OPCA source, at paras. 148-153. The OPCA litigant in *Mercedes-Benz Financial v. Kovacevic*, 2009 CarswellOnt 992, [2009] O.J. No. 783 (Ont. S.C.J.) appears to have advanced an essentially 'pure U.S.' type scheme. Sometimes, such as in *Szoo' v. RCMP*, 2011 BCSC 696, 2011 CarswellBC 1304 (B.C. S.C.), both U.S. and Canadian influences are obvious. That litigant used documents with the same language as those employed by Meads, but also employed Freeman-on-the-Land documents propagated by Menard, including a "Notice of Understanding and Intent and Claim of Right", and a "Constructive Notice of Child of God Status", see footnote 67.

46 *Meads v. Meads*, *supra*, at paras. 181, 482; *Fearn v. Canada Customs*, *supra*, at paras. 228-232; *U.S. v. Phillips*, *supra* 2-9; Robert Chamberlain & Donald P Haider-Markel, "'Lien on Me': State Policy Innovation in Response to Paper Terrorism", (2005) 58 Polit. Res. Q. 449, at 449-460; Haynie, *supra*, at 343-379; Koniak #1, *supra*, at 65, 138; Koniak #2, *supra*, at 1766, 1786-1787; Smith, *supra*, at 273-275, 314-318; Compari, *supra*, at 510, 519-520, 522-523; David Fleishman, "Paper Terrorism: The Impact of the 'Sovereign Citizen' on Local Government", (2004) 27:2 Public Law Journal; Theret, *supra*, at 868-875; Melle, *supra*, at 579-582; Levin, *supra*, at 32-36; Weir, supra, at 856-858. While liens are the most common mechanism for paper terrorist retaliation, other U.S. modes are known, including bogus cheques and money orders (Levin, *supra*, at 35), spurious Bivens lawsuits that allege unauthorized action by government agents, and RICO lawsuits that claim the government is a corrupt organization (Koniak #2, *supra*, at 1786-1787).

47 For example: *Myers v. Blackman*, 2014 ONSC 5226, 2014 CarswellOnt 12481, 2 P.P.S.A.C. (4th) 318 (Ont. S.C.J.) at para. 17; *Canada v. Rudolf*, 2010BCSC565, 2010 CarswellBC 1001 (B.C. S.C.) at para. 8; *Squamish Indian Band v. Capilano Mobile Park*, 2011 BCSC 470, 2011 CarswellBC 881 (B.C. S.C. [In Chambers]) at paras. 66-68, affirmed 2012 BCCA 126, 2012 CarswellBC 557, 318 B.C.A.C. 239 (B.C. C.A.); *Lebeau (Re)*, 2012 BCSC 638, 2012 CarswellBC 1216 (B.C. S.C.) at paras. 20-21 and 27; *Re Boisjoli*, 2015 ABQB 629 at paras. 23, 59. A particularly disturbing example of this kind of claim is described in *R. v. Leis*, 2008 SKQB 123, 2008 CarswellSask 155 (Sask. Q.B.), affirmed 2008 SKCA 103, 2008 CarswellSask 516, 311 Sask. R. 310 (Sask. C.A.) and *R. v. Leis*, 2008 SKCA 93, 2008 CarswellSask 487 (Sask. C.A. [In Chambers]) where a convicted offender sent fee schedule invoices, published demands in newspapers, and appeared at the residence of the judge who had sentenced him and then demanded

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payment of over $2 million in “fees” and “damages”. This led to a *Criminal Code*, s. 423.1 intimidating a justice system participant conviction and an 18 month conditional sentence, which was subsequently breached.

48 Recent examples include: *R. v. Boxrud*, 2014 SKQB 221, 2014 CarswellSask 458 (Sask. Q.B.); *Clifford v. Her Majesty the Queen et al.*, *supra*; *Clifford v. Her Majesty The Queen* (May 16, 2014), Doc. Winnipeg T-869-14 (F.C.); *Gratton c. Gatineau (Service de police de la Ville de)*, 2012 QCCS 6190, 2012 CarswellQue 13254 (C.S. Que.); *ANB v. Hancock*, *supra*; *O'Brien v. Murchland*, 2013 ONSC 4576, 2013 CarswellOnt 9769 (Ont. S.C.J.); *Matsui v. Canada*, 2014 FC 553, 2014 CarswellNat 8439, 2014 CarswellNat 2176, (*sub nom.*Matsui v. R.) 2014 D.T.C. 5091 (Eng.) (F.C.); *Ali v. Ford*, 2014 ONSC 6665, 2014 CarswellOnt 16048 (Ont. S.C.J.); *Claeys v. Her Majesty et al.*, 2013 MBQB 313, 2013 CarswellMan 709, (*sub nom.*Claeys v. Canada) 300 Man. R. (2d) 257 (Man. Q.B.); *Curle v. Curle*, 2014 ONSC 1077, 2014 CarswellOnt 1937 (Ont. S.C.J.); *Gidda v. Hirsch*, 2014 BCSC 1286, 2014 CarswellBC 2013 (B.C. S.C.); Girard c. La Reine, 2014 CCI 107, 2014 CarswellNat 8597, 2014 CarswellNat 1058, (*sub nom.*Girard v. R.) 2014 D.T.C. 1112 (Fr.) (T.C.C. [Informal Procedure]); *Herbison v. Canada (Attorney General)*, 2013 BCSC 2020, 2013 CarswellBC 3390, [2014] 2 C.T.C. 61 (B.C. S.C.), varied in part 2014 BCCA 461, 2014 CarswellBC 3482 (B.C. C.A.); *isis Nation Estates v. Canada*, 2013 FC 590, 2013 CarswellNat 1683, 2013 CarswellNat 2339 (F.C.); *MacDonald v. First National Financial GP Corp.*, 2013 NSCA 60, 2013 CarswellNS 290, 330 N.S.R. (2d) 115 (N.S. C.A.); *Perreal v. Knibb*, *supra*; *Sinclair-McDonald v. Her Majesty the Queen*, 2013 ONSC 4900, 2013 CarswellOnt 10173 (Ont. S.C.J.); *Yankson v. Canada (Attorney General)*, 2013 BCSC 2332, 2013 CarswellBC 3837 (B.C. S.C.); *Bossé v. Farm Credit Canada*, 2014 NBCA 34, 2014 CarswellNB 254, 2014 CarswellNB 255, 419 N.B.R. (2d) 1 (N.B. C.A.), leave to appeal refused 2014 CarswellNB 579, 2014 CarswellNB 580, [2014] S.C.C.A. No. 354 (S.C.C.); *Harper v. Bennet*, 2015 SKQB 314; *Re Boisjoli*, *supra*.

49 *U.S. v. Phillips*, *supra*, at 2-9 surveys this issue and the legislative response.

50 The offender in *U.S. v. Phillips*, *supra* received a seven year jail term for filing liens against U.S. government employees involved in the prosecution of her brother, a drug dealer: “Sovereign Citizen Who Retaliated Against Federal Officials by Filing False Liens Sentenced to Seven Years in Prison”, Federal Bureau of Investigation (15 October 2014), online: http://www.fbi.gov/chicago/press-releases/2014/sovereign-citizen-who-retaliated-against-federal-officials-by-filing-false-liens-sentenced-to-seven-years-in-prison. This is not an atypical result. Other lengthy sentences for this kind of misconduct include David Carroll Stephenson (10 years), Daniel E. Petersen (7.5 years), Michael G. Rinderele (5 years): Bill Morlin, “Sovereign Citizen Sentenced for Filing False Liens”, Southern Poverty Law Center (31 May 2013), online: http://www.splcenter.org/blog/2013/05/31/sovereign-citizen-sentenced-for-filing-falseliens-2/#more-10681; Mark Daniels, “‘Sovereign Citizen’ to serve 5-year prison term for threats to South Jersey officials”, *South Jersey Times* (15 October 2014).

51 *Fearn v. Canada Customs*, *supra*, at paras. 194-214, 235-256; *Alberta Treasury Branches v. Nielson*, 2014 ABQB 383, 2014 CarswellAlta 1045 (Alta. Q.B.) at para. 36.

52 *Meads v. Meads*, *supra*, at para. 527; *Fearn v. Canada Customs*, *supra*, at para. 199, more generally *Bank of Montreal v. Rogozinsky*, *supra*, at para. 78; *Gidda v. Hirsch*, *supra*, at para. 84; *R. v. Sands*, 2013 SKQB 115, 2013 CarswellSask 271, 416 Sask. R. 279 (Sask. Q.B.) at para. 18; *Re Boisjoli*, *supra*, at paras. 59-69.

53 *Bursting Bubbles*, *supra*, at 15. This strange motif appears in a number of reported judgments: *Meads v. Meads*, at paras. 494-504; *Gravlin v. Canadian Imperial Bank of Commerce*, 2005 BCSC 839, 2005 CarswellBC 1443 (B.C. S.C. [In Chambers]) at para. 9, additional reasons 2005 CarswellBC 1695 (B.C. S.C. [In Chambers]); *Dempsey v. Envision Credit Union*, 2006 BCSC 1324, 2006 CarswellBC 2142, 60 B.C.L.R. (4th) 309 (B.C. S.C.); *Hajdu v. Ontario (Director, Family Responsibility Office)*, 2012 ONSC 1835, 2012 CarswellOnt 4678 (Ont. S.C.J.) at paras. 23-25; *Squamish Indian Band v. Capilano Mobile Park*, *supra*, at para. 62; *Bank of Montreal v. Rogozinsky*, *supra*, at paras. 80-87; *R. v. Balla*, 2009 BCPC 136, 2009 CarswellBC 1185, [2009] 5 C.T.C. 117 (B.C. Prov. Ct.) at para. 41, affirmed 2010 BCSC 486, 2010 CarswellBC 861, 2010 D.T.C. 5113 (Eng.) (B.C. S.C.); *Boisjoli Re*, 2015 ABQB 629, at paras. 45-48.

54 *Bursting Bubbles*, *supra*, at 44. The author is not aware of any instance where this technique has actually been used.

55 *Bursting Bubbles*, *supra*, at 45; *With Lawful Excuse*, *supra*, at 79-80. This ridiculous concept remains surprisingly popular, see for example Informatic Films, “Meet Your Strawman!” (2010), online: Youtube https://www.youtube.com/watch?-v=ME7K6P7hlko.

56 *Bursting Bubbles*, *supra*, at 15; *With Lawful Excuse*, *supra*, at 167; see *Meads v. Meads*, *supra*, at at paras. 206-211.

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57 *Bursting Bubbles*, *supra*, at 16; *With Lawful Excuse*, *supra*, at 40-42.

58 *Bursting Bubbles*, *supra* 27.

59 *With Lawful Excuse*, *supra*, at 35. See *R. v. Ainsworth*, 2015 ONCJ 98, 2015 CarswellOnt 2747 (Ont. C.J.) at paras. 3, 6 for a recent example.

60 *With Lawful Excuse*, *supra*, at 167.

61 *Bursting Bubbles*, *supra*, at 48, 54-55; *With Lawful Excuse*, *supra*, at 53, 76.

62 *Bursting Bubbles*, *supra*, at 55.

63 *Bursting Bubbles*, *supra*, at 55, see also *With Lawful Excuse*, *supra*, at 85.

64 *With Lawful Excuse*, *supra*, at 28-32. Of course, this did not actually work for Menard and he was ordered to cease his lawyering activities: *Law Society of British Columbia v. Menard* (January 8, 2008), Doc. Vancouver S073719 (B.C. S.C.). Menard appears to have then complied.

65 Robert Arthur Menard, *Letters to Authorities* (Vancouver: Elizabeth Anne Elaine Society, 2003) [*"Letters to Authorities"*], at 123-124.

66 *Bursting Bubbles*, *supra*, at 40-43.

67 The NOUICR is the mature form of a concept that underwent some evolution, with precursors including a "Constructive Notice of Denial of Consent" (*13 Things*, *supra*, at 22), a "Constructive Notice of Child of God Status" (*13 Things*, *supra*, at 34-37; *Letters to Authorities*, *supra*, at 125), a "Notice of Understanding and Intent" (*Letters to Authorities*, *supra*, at 121-122), and a "Claim of Right" (*Bursting Bubbles*, *supra*, at 52).

68 *Meads v. Meads*, *supra*, at paras. 505-523.

69 NOIUCR-type documents are identified by name and rejected in *R. v. Petrie*, 2012 BCSC2110, 2012 CarswellBC 4318 (B.C. S.C.) at paras. 41-51; *Szoo' v. RCMP*, *supra*, at paras. 17-21, 43-45; *ANB v. Hancock*, *supra*, at paras. 74-78; *R. v. ANB*, 2012 ABQB 556, 2012 CarswellAlta 2406, 570 A.R. 146 (Alta. Q.B.) at para. 49; *Jabez Financial Services Inc. v. Sponagle*, 2008 NSSC 112, 2008 CarswellNS 181, 264 N.S.R. (2d) 224 (N.S. S.C. [In Chambers]) at paras. 14-15 and 18; *R. v. Sands*, *supra*, at para. 18.

70 *With Lawful Excuse*, *supra* has a simple template version, at 141-143. Menard's oldest identified NOUICR has a highly specialized purpose--to render an oil and spice based pesticide product marketed by Menard, "Mr. Mite-E", exempt from government regulation and oversight. Organozone, online: http://www.angelfire.com/bc3/mrmitee/exempt.pdf. The author is unaware of evidence that this product ever reached market, consistent with Menard's habit of not carrying through on his concepts: Netolitzky, *supra*, at V.

71 The NOUICR concept was wildly popular and led to what in biology would be called an adaptive radiation, with individual Freemen expanding the basic NOIUCR with manynew elements, claimed rights, and increasingly draconian fee schedule sanctions. Any Internet search will identify innumerable examples. *R. v. ANB*, *supra*, attaches a substantially personalized NOUICR as appendix 2.

This elaboration of the basic document provides a very clear window into the interests of individual Freemen-on-the-Land, which sometimes extends to the absurd. For example, Victoria BC Freeman-on-the-Land "Dave-Thomas: Hutchings" unilaterally claimed the right to play golf by his own rules, allcreatorsgifts, online: http://allcreatorsgifts.blogspot.ca/2009/01/notice-of-understanding-and-intent-and.html. This albeit amusing example illustrates the 'magical' character of OPCA thinking. How would notifying Canadian government actors logically then affect the manner in which private individuals play golf?

Non-Canadian Commonwealth Freeman gurus promote 'localized' template NOUICRs, such as U.K. guru Veronica Chapman (Freeman-on-the-Land Forum Gateway, online: http://www.fmotl.com/NoticeOfUnderstanding.htm) and Australian John Wilson (online: RIGHTS and WRONG http://www.rightsandwrong.com.au/pdf/Note%20**o**f%20understanding.pdf). A 2010 NOUICR from Eldon Warman's "©DetaxCanada®" website is a rare example of a Detaxer 'reverse engineering' a Freeman-on-the-Land concept,

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DetaxCanada online: http://www.detaxcanada.org/notice of understanding intent and claim of right.rtf. Historically it was Menard who copied Detaxer OPCA schemes, rather than inventing his own concepts: Netolitzky, *supra*, at V

72 *Bursting Bubbles*, *supra*, at 19. See also *13 Things*, *supra*, at 58-62 where Menard illustrates how to demand $4,600.00 in response to a $46.00 transit ticket.

73 This scheme uses a series of foisted unilateral agreements to demand a specific target response, with failure then estopping the target in some manner: *Bank of Montreal v. Rogozinsky*, *supra*, at paras. 69-73, and Bloy, *supra*.

74 *Bursting Bubbles*, *supra*, at 19-20, see also *With Lawful Excuse*, *supra*, at 114, 144-153, 167 for several other variations on this scheme, including one that enforces a NOUICR.

75 *With Lawful Excuse*, *supra* 46, at 52-53.

76 *Bursting Bubbles*, *supra*, at 40-43.

77 *With Lawful Excuse*, *supra*, at 48, 54-55.

78 *With Lawful Excuse*, *supra*, at 75, see also 89.

79 *Bursting Bubbles*, *supra*, at 55.

80 This provision creates an indictable offence for a public servant who fails to delivery property. The British Columbia Court of Appeal in *Ambrosi v. British Columbia (Attorney General)*, 2014 BCCA 123, 2014 CarswellBC 872, 353 B.C.A.C. 244 (B.C. C.A.), leave to appeal refused 2014 CarswellBC 3523, 2014 CarswellBC 3524, [2014] S.C.C.A. No. 320 (S.C.C.) conducted a detailed review of s. 337, observed there had never been a prosecution under that provision (para. 45), and concluded s. 337 was intended to address theft of government property by public servants (paras. 53-57). Simply put, Menard's interpretation of this obsolete provision is incorrect. Unsurprisingly, the *Ambrosi v. British Columbia (Attorney General)* dispute and and most other judgments (*R. v. Eckhoff*, 2006 SKQB 500, 2006 CarswellSask 766, [2007] 2 C.T.C. 26 (Sask. Q.B.); *Szoo' v. RCMP*, *supra*; *Ambrosi v. British Columbia (Attorney General)*, 2012 BCSC 1261, 2012 CarswellBC 2583 (B.C. S.C.), affirmed 2014 CarswellBC 872 (B.C. C.A.), leave to appeal refused 2014 CarswellBC 3523, 2014 CarswellBC 3524 (S.C.C.) that comment on *Criminal Code*, s. 337 exhibit OPCA components.

81 *With Lawful Excuse*, *supra*, at 143.

82 *With Lawful Excuse*, *supra*, at 167.

83 *With Lawful Excuse*, *supra*, at 142. This bizarre idea explains a not uncommon claim by OPCA litigants that Courts operate as a kind of stock market participant that trades judgments, see: *Crischuk (Re)*, 2013 BCSC 1413, 2013 CarswellBC 2374, 2013 D.T.C. 5139 (Eng.) (B.C. S.C.) at para. 17; 1158997 *Alberta Inc v. Maple Trust Company*, 2013 ABQB 483, 2013 CarswellAlta 1599, 568 A.R. 286 (Alta. Q.B.) at para. 81; *Bank of Montreal v. Rogozinsky*, *supra* at para. 91.

84 *With Lawful Excuse*, *supra*, at 165.

85 *Robs Very Clever Plan*, *supra*, at 15.

86 Website formerly hosted online: http://www.c3po.ca.

87 *Supra*, at 20.

88 Menard is very well aware of that fact. At latest, Menard knew his ideas were not accepted by the courts by 2006. He had tested most of his concepts by extensive filed material in a series of linked British Columbia Provincial Court actions where Menard personally defended a collaborator, Robert Scott Christy: *R. v. Christy*, Doc. Robson Square AN37165-1, AP95995-1, AR82367-1, AR97565-1, AT21325-1 (B.C. P.C.). Christy was found guilty in every action except AR97565-1. Notably, Menard has never acknowledged this litigation and its result.

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89 *13 Things*, *supra* 10.

90 For example Menard's interview in “Finding the Freemen”: Adrienne Arsenault, “Finding the Freemen”, *The National* (29 February 2012), online: http://www.cbc.ca/news/canada/freemen-movement-captures-canadian-police-attention-1.1262159. When asked if he was dangerous Menard replied: “I'm a sweetheart. Of course I'm not a dangerous guy.”

91 *Your Child OR Her Life!*, *supra*, at 13.

92 Menard personally threatens physical violence to intrusion on his alleged rights. *Letters to Authorities*, *supra* reproduces a 2003 letter to Vancouver area politicians and a transit peace officer where Menard, at 45, indicates that the next time a transit peace officer interferes with him that Menard will use training acquired in the military and martial arts to “defend” himself.

93 *With Lawful Excuse*, *supra*, at 44-57.

94 This document was posted on Menard's now defunct personal ‘blog’, formerly online: Robert Arthur Menard | Now Serving Brain Food, http://robertmenard.org (archived, online: Internet Archive https://web.archive.org/web/20130426072500/http://robertmenard.org/notice-of-understanding-and-intent-and-claim-of-right/) and also online: World Freeman Society http://worldfreemansociety.org/notice-of-understanding-and-intent-and-claim-of-right/#more-1220; Godlike Productions http://www.godlikeproductions.com/forum1/message512768/pg1. This NOUICR was likely also distributed in a number of other Freeman Internet forums, including the World Freeman Society forum (online: http://www.worldfreemansociety.org) and the ThinkFree forum (formerly, online: http://thinkfreeforums.info).

95 Godlike Productions, online: http://www.godlikeproductions.com/forum1/message512768/pg1.

96 For example, “Dean Clifford--Sovereignty, Natural Law & Navigating this sea of pirates”, online: http://deanclifford.info/2013/09/07/message-to-the-real-freeloaders/.

97 CTV, “NoTax”, *W5* (21 April 2002). This report led to numerous complaints from the Detaxer community, as reported in *CTV re a W-FIVE segment (“No Tax”)*, [2003] C.B.S.C.D. No 4, CBSC Decision 01/02 0965+ (Canadian Broadcast Standards Council).

98 See *Meads v. Meads*, *supra*, at paras. 125-129; Netolitzky, *supra*, at IV. Notably, Warman is an early Canadian proponent of the double/split person “Strawman” concept.

99 See footnote 47.

100 See footnote 48.

101 Facebook, online: https://www.facebook.com/robert.menard.52/activity/891023100912772.

102 *Menard v. Her Majesty the Queen* (March 18, 2015), Doc. Montreal T-43-15 (F.C.).

103 *R. v. Menard*, Doc. Toronto 4813998143500374700, 4813998143500427000 (C.J.).

104 *Criminal Code*, s. 130.

105 Smith, *supra* conducts a detailed historical review of vigilantism in the U.S. that illustrates that modern activities of this kind continue a long-standing tradition of vigilante police forces and courts in that nation. This is very different from Canada. Smith considers the role of paramilitary militia groups as vigilante enforcers of “common law courts” a particular concern given their training and proclivities: *supra*, at 318-320. See also Levin, *supra*; Oliveros, *supra*, at 258-260; Huhn, *supra*, at 430-433; Koniak #1, *supra*, at 71-73, 93-96; Koniak #2, *supra*, at 1787-1790; Melle, *supra*, at 583-584; Harris, *supra*, at 287-292; Theret, *supra*, at 861-862, 866-867; Sullivan, *supra*, at 792-794; Weir, supra, at 838-840. Arecent example is a raid on the Sovereign Citizen “republic of Texas” group in response to summons of a judge by its “Chief Justice of the International Common Law Court for the Republic of Texas”: Zeke MacCormack, “Texas secessionist meeting raided after members messed with a judge”, San Antonio Express-News (19 February 2015). See also the text accompanying footnotes 105-108. Certain U.S. jurisdictions have enacted a specific offence in response to this kind of activity: “simulating legal process”. For example, Oregon's variant criminalizes “... simulating legal process if, with the intent to harass, injure

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or defraud another person, the person knowingly issues or delivers to another person any document that in form and substance falsely simulates civil or criminal process.": *Offences Against the State and Public Justice*, c. 162, § 162.355. See Smith, *supra*, at 321-326, 341-342; Weir, supra, at 866-867 and Sullivan, *supra*, at 813-814 for discussion of this kind of legislation.

106 See Netolitzky, *supra*, at VI(C).

107 The International Tribunal into Crimes of Church and State, online: http://www.itccs.org. Annett's central focus is retribution against government and religious figures for mistreatment of aboriginal persons. He has 'piggybacked' on the residential schools controversy with sensational claims such as the ITCCS court activities and the alleged discovery of hitherto unknown mass graves of abused children. See Greg Renouf, "Kevin Annett", genuiNEWitty, online: http://www.genuinewitty.com/kevin-annett/ for a comprehensive, if flamboyant, review of Annett's history and activities, also Terry Glavin, "Truth and Native Abuse", The Tyee (30 April 2008).

108 The International Tribunal into Crimes of Church and State, online: http://itccs.org/common-law-court-documents/. Annett has also claimed on 15 January 2015 he had established a parallel "common law" doppelganger of Canada, the "Republic of Kanata", online: http://www.kanatarepublic.ca.

109 Sovereign Citizen expert JJ MacNab reports at least eight police officers were killed in 2014 by Sovereign Citizens and related anti-government extremists: J.J. MacNab, "As Pressure Mounts to Demilitarize Police, Sovereign Citizens Arm for War" (19 November 2014) Deathandtaxes.com, online: http://www.deathandtaxes.com/?p=66. This is part of a larger history of violence from this community, Deathandtaxes. com, online: http://www.deathandtaxes.com/leostats.pdf. See also *U.S.A. v. Phillips*, *supra*, at 20; Smith, *supra*, at 275, 297-300; Koniak #1, *supra*, at 98-102; Melle, *supra*, at 556-557; Theret, *supra*, at 876-879. The forthcoming J.J. MacNab text, *The Seditionists: Inside the Explosive World of Anti-government Extremism in America* (Palgrave Macmillan, 2017), will likely be a key resource for this subject.

110 *U.S.A. v. Phillips*, *supra*, at 20.

111 See J.J. MacNab, "Jared Lee Loughner: Lost in Translation" (10 January 2011) DeathAndTaxes.com, online: http://www.deathandtaxes.com/?p=8. Popular media sources have generally failed to identify the OPCA character of this incident, however the attacker, Jared Lee Loughner, appears to subscribe to the bizarre grammar-based concepts promoted by U.S. OPCA guru David Wynn Miller: Carrie Budoff Brown, "Jared Lee Loughner's statements tied to conspiracy theory" (10 January 2011) POLITICO, online: http://www.politico.com/news/stories/0111/47329.html. See Netolitzky, *supra*, at VII concerning Miller.

112 David Carter *et al.*, "Understanding Law Enforcement Intelligence Processes: Report to the Office of University Programs, Science and Technology Directorate, U.S. Department of Homeland Security" (July 2014) START, online: https://www.start.umd.edu/pubs/START_UnderstandingLawEnforcementIntelligenceP_July2014.pdf.

113 Department of Homeland Security, Office of Intelligence and Analysis, "Sovereign Citizen Extremist Ideology Will Drive Violence at Home, During Travel, and at Government Facilities" (5 February 2015) ["Homeland Security Report"].

114 Jessica Jerreat, "Former TSA agent stormed courthouse armed with rifles, homemade bombs and smoke grenades then shot 'hero' deputy before being killed by officers", *Daily Mail* (6 June 2014); Greg Botelho *et al.*, "Authorities: Georgia courthouse attacker prepared to inflict mayhem" (7 June 2014) *CNN*, online: http://edition.cnn.-com/2014/06/06/justice/georgia-courthouse-shooting/index.html; David Neiwert, "'Sovereign Citizen' Is Suspected in Georgie Courthouse Shooting" (6 June 2014) Hatewatch, online: Southern Poverty Law Centre http://www.splcenter.org/blog/2014/06/06/sovereign-citizen-is-suspected-in-georgia-courthouse-shooting/.

115 *Marx v. Forsyth County Sheriff's Office*, 2:13-cv-00175-RWS (US DC N District of Ga).

116 The limited degree to which the public is exposed to and aware of the Sovereign Citizen movement is at times astonishing. During reporting on the Marx courthouse assault CNN host Wolf Blitzer indicated he was totally unaware of the entire phenomenon: "Pamela, do you have any more information on this sovereign citizens movement? I personally have never heard of it." *CNN*, online: http://transcripts.cnn.com/TRANSCRIPTS/1406/06/sitroom.02.html.

117 2014 ABQB 15, 2014 CarswellAlta 16 (Alta. Q.B.).

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118 It appears Jacobi is a relative of the plaintiff in that case, Perreal.

119 *Perreal v. Knibb*, *supra*, at paras. 28-31.

120 Mark Pitcavage, "Every Man a King: The Rise and Fall of the Montana Freemen" (6 May 1996) ADL, online: http://archive.adl.org/mwd/freemen.html. This is only one of many alarming and potentially violent incidents involving the Montana Freemen. Catherine Wessinger (Loyala University Religious Studies) credits U.S. FBI, law enforcement, and politicians for their careful steps to achieve a peaceful result in the confrontation with this highly dangerous group (Catherine Wessinger, *How the Millenium Comes Violently: From Jonestown to Heaven's Gate* (New York: Seven Bridges, 2000), at 158-203.

121 *Perreal v. Knibb*, *supra*, at para. 32.

122 Netolitzky, *supra*, at VII.

123 Fearn denied government authority throughout this process: *Fearn v. Canada Customs*, *supra*; *R. v. Fearn*, 2014 ABQB 233, 2014 CarswellAlta 681 (Alta. Q.B.). His court documents expressed extreme conspiratorial perspectives and intense hostility to court and government actors. The document partially reproduced in Appendix A of *Fearn v. Canada Customs* is representative.

124 Netolitzky, *supra*, at VII.

125 *R. v. Fearn*, 2014 ABPC 56, 2014 CarswellAlta 433 (Alta. Prov. Ct.): *R. v. Fearn*, 2014 ABPC 57, 2014 CarswellAlta 434 (Alta. Prov. Ct.): *R. v. Fearn*, 2014 ABPC 58, 2014 CarswellAlta 435 (Alta. Prov. Ct.).

126 Fearn has posted a series of Youtube videos demanding formation of common law juries so that specific named Alberta judges, including Rooke ACJ, will "... do that little dance they do at the end of a common law rope." Several videos were posted after he absconded from his trial but prior to his arrest. YouTube, online: https://www.youtube.com/watch?v=E07rxJ_bGTE https://www.youtube.com/watch?-v=K9ex2ckhE9Q. Fearn posted many additional videos with this subject after he fled Canada, for example, YouTube, online: https://www.youtube.com/watch?-v=XJfAWFHaBs4.

127 In 2013 a group of Freemen-on-the-Land identified themselves as peace officers and on multiple occasions attempted to enter British Columbia courthouses to enforce the common law. They also commissioned fake badges. This led to *Criminal Code*, s. 130 personating a peace officer charges. Three pled guilty and two received custodial sentences (*R. v. Lange* (March 3, 2014), Doc. New Westminster 76920 (B.C. P.C.): *R. v. Simpson* (February 28, 2014), Doc. New Westminster 76920 (B.C. P.C.): *R. v. Smith* (March 3, 3014), Doc. New Westminster 76920 (B.C. P.C.), while one received a conditional sentence (*R. v. Ream* (April 30, 2014), New Westminster 76290 (B.C. P.C.).

128 Mario Antonacci, see Netolitzky, *supra*, at VII. While Antonacci's Calgary 'embassy' confrontation never became violent, a very similar 2007 Montreal rental 'embassy' dispute had Antonacci's then landlady suffer multiple broken bones when Antonacci pushed the elderly landlady down stairs and threw her onto a street: Bill Graveland, "Freeman 'embassy' in Calgary now empty, landlord preparing to reclaim premises" (28 September 2013) The Canadian Press, *CTV* News online: http://www.ctvnews.ca/canada/freemen-embassy-in-calgary-now-empty-landlord-preparing-to-reclaim-premises-1.1474860. Antonacci pled guilty to this offense in 2014 and received a two year, nine month sentence.

129 Ron Usher, General Counsel, Society of Notaries Public of British Columbia, personal communication.

130 Guru Keith "Kate of Gaia" Thompson, see Netolitzky, *supra*, at VII. In 2012 Thompson and two others re-occupied a foreclosed property with firearms and ammunition: "Security tight as suspects in Guelph break-in case appear in bail court", Guelph Mercury (5 March 2012). Thompson ultimately pled guilty to a lesser offence: "Guelph burglary suspect pleads guilty to a lesser charge", *Guelph Mercury* (30 March 2012).

131 Paul Fiola & Shaunda Petrova, see Netolitzky, *supra*, at VI(C). Petrova on 4 March 2015 pled guilty to illegally entering land. Fiola has absconded, and faces charges relating to the squatting activities, uttering threats, possession of a firearm while prohibited, and using a firearm in the commission of an offence: "Petrova fined for occupying cabin", *Herald-Tribune* (10 March 2015), online: http://www.dailyher-aldtribune.com/2015/03/10/petrova-fined-for-occupying-cabin. Fiola has a website that declares he is a Freeman-on-the-Land, and publishes his NOUICR and fee schedule, online: P-M:F http://www.spanglefish.com/pmf/index.asp?pageid=207825.

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The NOUICR explicitly states he has an unlimited right to weapons and to use deadly force against those who interfere with himself, his family, or property.

132 Maria Calabrese, "Squatters blame cult for their crimes", QMI Agency (2 February 2012), online: http://cnews.canoe.ca/CNEWS/Crime/2012/02/01/19325621.html.

133 Possession of a compact MAC 11 submachinegun which had been modified to fire fully automatic and was untraceable as its serial number had been removed (*R. v. Nascimento*, 2014 ONSC 2379, 2014 CarswellOnt 6942 (Ont. S.C.J.): *R. v. Nascimento*, 2014 ONSC 6730, 2014 CarswellOnt 17811 (Ont. S.C.J.): *R. v. Nascimento*, 2014 ONSC 6739, 2014 CarswellOnt 17812 (Ont. S.C.J.), possession of an SKS military rifle and a loaded prohibited handgun (*R. v. Clifford, Doc. Winnipeg CR14-01-33786 (Q.B.)), having a concealed and loaded handgun in public (*R. v. McCormick, 2012 NSCA 58, 2012 CarswellNS 375, 317 N.S.R. (2d) 273 (N.S. C.A.): *R. v. McCormick*, 2012 NSSC 288, 2012 CarswellNS 552, 319 N.S.R. (2d) 17 (N.S. S.C.): *R. v. McCormick*, 2012 NSSC 150, 2012 CarswellNS 264 (N.S. S.C.)), smuggling assault weapon magazines and illegal knives into Canada (*R. v. Fearn*, 2014 ABPC 56, 2014 CarswellAlta 433 (Alta. Prov. Ct.): *R. v. Fearn*, 2014 ABPC 58, 2014 CarswellAlta 435 (Alta. Prov. Ct.)), illegal knives and hand weapons (Calabrese, *supra*), possession of a loaded prohibited handgun (*R. c. Kaluza*, 2010 QCCQ 3694, 2010 CarswellQue 4317 (C.Q.), reversed 2011 CarswellQue 4827 (C.A. Que.); *R c. Kaluza*, 2013 QCCQ 11045, 2013 CarswellQue 9744 (C.Q.)); threats of physical violence to obstruct gun case inspection for person prohibited from owning firearms (*R. v. Curle*, 2015 ONSC 1999, 2015 CarswellOnt 4980 (Ont. S.C.J.)). The OPCA accused in *R. v. Sands* also faced unspecified firearms and ammunition criminal offences: para. 3.

134 *R. v. McCormick*, 2012 NSCA 58, 2012 CarswellNS 264 (N.S. S.C.) at paras. 13, 19 and 21; *R. v. McCormick*, 2012 NSSC 150, 2012 CarswellNS 264 (N.S. S.C.) at paras. 9-10. This led to a three year, 150 day sentence.

135 The author has personally been involved with over 100 OPCA court scenarios. About 10% of these required close litigant supervision by multiple officers or active intervention by court security to control and/or remove OPCA litigants. One encounter resulted in court sheriffs being assaulted and injured by an OPCA litigant and his supporters. On 29 July 2013 a career methamphetamine cook, drug dealer, and Freeman-on-the-Land drove his pickup truck into the Calgary Court Centre; fortunately no-one was injured: Kevin Martin, "Calgary court sentences Jaren Wayne Feser to eight months for driving truck into courthouse, claimed actions were 'guided by the hand of God"', *Calgary Sun* (5 February 2015). Feser received an eight month custodial sentence: *R. v. Feser* (5 February 2015), Calgary 130882210Q1 (Alta. Q.B.).

136 Reviewed in *Fearn v. Canada Customs, supra*, at paras. 128-130. That list does not Include *R. v. Campbell*, 2011 MBQB 173, 2011 CarswellMan 389, 267 Man. R. (2d) 6 (Man. Q.B.), where an accused attempted to evade murder charges that related to a home invasion to steal drugs. Campbell ultimately pled guilty to manslaughter. Also see *R c. Kaluza*, 2010 QCCQ 3694, 2010 CarswellQue 4317 (C.Q.), reversed 2011 CarswellQue 4827 (C.A. Que.); *R c. Kaluza*, 2013 QCCQ 11045, 2013 CarswellQue 9744 (C.Q.) where a drug dealer was found in possession of a prohibited handgun, *R. v. Thompson*, 2013 ONSC 3180, 107 W.C.B. (2d) 814 for a large-scale international cocaine smuggling, and *R. v. Agecoutay*, 2008 SKQB 171, 2008 CarswellSask 342, 316 Sask. R. 281 (Sask. Q.B.), varied 2009 SKCA 100, 2009 CarswellSask 562, 337 Sask. R. 223 (Sask. C.A.) where offenders engaged in industrial-scale marijuana production.

137 See *R. v. Campbell*, *supra*.

138 *R. v. Seagull*, 2013 BCSC 1811, 2013 CarswellBC 2957 (B.C. S.C.): *R. v. Seagull*, 2013 BCSC 1106, 2013 CarswellBC 1870 (B.C. S.C.), affirmed 2015 BCCA 164, 2015 CarswellBC 1011 (B.C. C.A.): *R. v. T.L.P.*, 2015 BCSC 618, 2015 CarswellBC 998 (B.C. S.C.). The last case offers a disturbing illustration of why OPCA pseudolegal concepts are dangerous. T.L.P. argued at trial that he had obtained consent to sex acts with his five nieces, aged 4-9, via the Notary Protest method, which trumped *Criminal Code* prohibitions against sexual interference, at paras. 36-37, 105.

139 *R. v. ANB*, *supra*; *ANB v. Hancock*, *supra*.

140 *ANB v. Hancock*, *supra*, at para. 6.

141 This action was struck out in *ANB v. Hancock*, *supra*.

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142 *Royal Bank of Canada v. Raddatz*, Doc. Edmonton 1403-06241 (Q.B.).

143 Facebook, online (formerly): https://www.facebook.com/dino.stomper. An incomplete archive of the Facebook page remains available, online: Mediafire http://www.mediafire.com/view/aq0f65b1yi2cq4e/Raddatz%20Facebook%20capture.pdf

144 *R. v. Robison* (May 1, 2015), Doc. Edmonton 121307698Q1 (Q.B.).

145 A particularly noteworthy item is a copy of Mary Elizabeth Croft's highly influential Freeman-on-the-Land text, *HOW I CLOBBERED EVERY BUREAUCRATIC CASH-CONFISCATORY AGENCY KNOWN TO MAN ... a Spiritual Economics Book on $$$ and Remembering Who You Are*, see Netolitzky, *supra*, at V.

146 Robison's OPCA documents have unusual features characteristice of materials from Michael Earl's OPCA cell. Earl and Robison exchanged emails. Robison's signature in partial dash-colon format also appears on OPCA documents published on a website operated by Earl: The Fine Print, online: http://michaelearl.com.

147 Joanne Schnurr, "Ottawa Police charge Ian Bush, 59, with 2007 triple homicide", *CTV Ottawa* (20 February 2015), online: http://ottawa.ctvnews.ca/ottawa-police-charge-ian-bush-59-with-2007-triple-homicide-1.2245842; Shaamini Yogaretnam, "Ottawa's most notorious cold case hit 'years of walls,' but detectives never gave up", *Ottawa Citizen* (21 February 2015). Bush also faces illegal firearms charges: Andrew Seymour, "Murder accused Ian Bush allegedly had sawed-off rifle, shotgun in home", *Ottawa Citizen* (21 February 2015).

148 *Bush v. The Queen*, Doc. Ottawa 1999-1545(IT)I (T.C.C.).

149 The Bush correspondence number is a valid Ontario social insurance number, see CRA validation protocol, online: http://id-check.artega.biz/info-ca.php.

150 This is an unusual, but not unprecedented manner for an OPCA litigant to identify their "Strawman" in an income tax matter: see Randall v. The Queen, 2008 TCC 621, 2008 CarswellNat 4102, 2008 CarswellNat 5660, [2009] 4 C.T.C. 2108 (T.C.C. [General Procedure]) at para. 12. The social insurance number naming motif is, if anything, a much more rational way to identify the "Strawman" half of the double/split person duality than the usual upper case letters name format, particularly in an income tax context.

151 *Bush v. The Queen*, *supra*, Miscellaneous (30 July 2001), Ottawa Citizen, online: https://postmediaottawacitizen2.files.wordpress./2015/02/from-potter-and-rewott-to-photo-ott-subject.jpg.

152 The author is suspicious that Bush was involved in some manner with Detaxer guru Daniel Lavigne (see Netolitzky, *supra*, at IV). Lavigne operated a Detaxer group named the "International Humanity House" (website formerly hosted, online: http://taxrefusal.com/), which has an obvious parallel to the name of the fictitious court in the Bush fax. Aconnection with Lavigne would also potentially explain the almost six year gap between the Bush 'court summons' and the murders. Lavigne published a document titled "The Public List" which notified judges that the International Humanity House demanded they accept its principles in writing. Failure to do so by 31 December 2005 makes the judge an "outlaw" and "... subject to whatever form and degree of punishment that various individuals within any grieviously [sic] injured society may choose to inflict upon them." Internet Archive, online: https://web.archive.org/web/20030411131010/http://www.taxrefusal.com/index-Public-List.html.

153 "Lawyer says police may have overstepped authority before shooting of officer", CBC News (26 October 2006) ["CBC King #1"], online: http://www.cbc.ca/news/canada/ottawa/lawyer-says-police-may-have-overstepped-authority-before-shooting-of-officer-1.617146.

154 Steven Pettibone, "'Not criminally responsible"', *Brockville Reporter* (6 February 2011).

155 *R. v. King*, 2007 ONCA 713, 2007 CarswellOnt 6623 (Ont. C.A.) at para. 3, leave to appeal refused 2008 CarswellOnt 5009, 2008 CarswellOnt 5010, [2008] S.C.C.A. No. 133 (Ont. C.A.) [*"R. v. King #1"*].

156 CBC King #1, *supra*.

157 Pettibone, *supra*.

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158 CBC King #1, *supra*; "Standoff ends as shooting suspect surrenders", *CBC News* (2 June 2006) ["CBC King #2"], online: http://www.cbc.ca/news/canada/standoff-ends-as-shooting-suspect-surrenders-1.587235. This common OPCA "magic hat" flows from the unfortunate language used in the *Charter's* preamble: *Meads v. Meads*, *supra*, at paras. 276-285.

159 Tommy-Usury: Free, "Rodney King Takes A Stand For "Universal Truth and Justice", Cyberclass, online: http://cyberclass.net/kingmar2502.htm; Cyberclass, online: http://www.cyberclass.net/rodking.htm; *Detaxarchive* http://lists.topica.-com/lists/Important/read/message.html?sort=a&mid=802397686.

160 Netolitzky, *supra*, at IV.

161 Netolitzky, *supra*, at IV.

162 More commonly "Wally Dove". Dove is a former CRA employee who has appeared in court to provide expert evidence (*R. v. Maleki*, 2006 ONCJ 401, 2006 CarswellOnt 6678, [2007] 1 C.T.C. 212 (Ont. C.J.)), and currently promotes an OPCA group named the Human Rights Defenders League in Canada. Online: http://humanrightsdefendersleague.ca. Dove was charged with operating a criminal tax evasion scheme in the 1990s that generated spurious investment losses, advanced an OPCA argument that there is no *Income Tax Act* (*R. v. Dove*, 2004 CarswellOnt 3953, [2005] 1 C.T.C. 43 (Ont. S.C.J.)), but had his charges stayed after a successful *Charter*, s. 11(b) prosecution delay application (*R. v. Dove*, 2004 CarswellOnt 5127, [2004] O.T.C. 1078, [2005] 1 C.T.C. 299 (Ont S.C.J.)). Dove's involvement with King continued after his incarceration; Dove acted as an advisor and representative: *King (Re)*, [2011] O.R.B.D. No. 1603 (Ont. Review Board). Dove is presently engaged in litigation before the Federal Court, arguing he and others are entitled to demand the state pay for their upkeep and lifestyle, with funds from a half a billion dollar 'birth bond': *Bursey v. Canada*, 2015 FC 1126, affirmed 2015 FC 1307.

163 Logozar appears to have been the mind directing King's defence. His Detaxarchive email indicates broad familiarity with many OPCA schemes. The author is unaware of Logozar being involved in any other OPCA-related litigation.

164 CBC King #1, *supra*; CBC King #2, *supra*.

165 CBC King #1, *supra*. Illegal attempts to clear debts in this manner are a known OPCA strategy: *Meads v. Meads*, *supra*, at 544-547; Netolitzky, *supra*, at V; *Child Maintenance and Enforcement Commission v. Wilson*, 2014 SLR 46, [2013] C.S.I.H. 95.

166 CBC King #1, *supra*; *King (Re)*, [2009] O.R.B.D. No. 94 (Ont. Review Board); *King (Re)*, [2012] O.R.B.D. No. 344 (Ont. Review Board).

167 CBC King #1, *supra*; Jack Walker, "King found fit for trial", *Brockville Reporter* (17 June 2010).

168 *R. v. King #1*, *supra*, at para. 1; *R. v. King*, 2010 ONCA 42, 2010 CarswellOnt 194 (Ont. C.A.) at para. 2 [*"R. v. King #2"*].

169 *R. v. King #1*, *supra*, at paras. 1, 3.

170 *R. v. King #1*, *supra*, at para. 2.

171 *R. v. King #1*, *supra*.

172 *R. v. King*, 2008 CarswellOnt 5009, 2008 CarswellOnt 5010, [2008] S.C.C.A. No. 133 (S.C.C.).

173 *King (RE)* (January 22, 2009), Doc. 5189, [2009] O.R.B.D. No. 94 (Ont. Review Board), affirmed 2010 ONCA 42, 2010 CarswellOnt 194 (Ont. C.A.).

174 *R. v. King #2*, *supra*.

175 Walker, *supra*; *King (Re)*, [2010] O.R.B.D. No. 1090 (Ont. Review Board).

176 *R. v. King*, 2014 ONCA 76, 2014 CarswellOnt 886 (Ont. C.A.) at para. 1 [*"R. v. King #3"*]; Pettibone, *supra*.

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177 Pettibone, *supra*.

178 *R. v. King #3*, *supra*, at paras. 2-3. An *amicus curiae* raised several other non- OPCA related grounds for appeal that were also rejected, at paras. 4-5.

179 This exact misdiagnosis scenario has been recently identified by psychiatric professionals: see Pytyck & Chaimowitz, *infra*; Parker, *infra*.

180 *R. v. King #1*, *supra*, at para. 2; *King (Re)*, [2009] O.R.B.D. No. 94 (Ont. Review Board). In the latter decision the Board concluded King had capacity to manage his money. King remains detained as a risk to the public if not medicated, and is most recently diagnosed as a schizophrenic; the Board concluded that his "core delusional beliefs" remain and he will act on those if left uncontrolled: *King (Re)*, [2016] O.R.B.D. No. 544 (Ont. Review Board) at paras. 11-13, see also *King (Re)*, [2015] O.R.B.D. No. 74 (Ont. Review Board); *King (Re)*, [2013] O.R.B.D. No. 146 (Ont. Review Board).

181 University of Alberta, Department of Sociology. Kent is an acknowledged expert in the study of cults.

182 Stephen A. Kent & Robin D. Willey, "Sects, Cults, and the Attack on Jurisprudence", (2013) 14 Rutgers' Journal of Law & Religion 306. Both this paper and Kent, *infra*, include an extensive investigation of published academic and media commentary on OPCA-related subjects. Kent also appears to have primary sources of CERI-related material.

183 Kent & Willey, *supra*, at 319-324.

184 Kent & Willey, *supra*, at 324-329.

185 Kent & Willey, *supra*, at 329-332.

186 Kent & Willey, *supra*, at 357-360.

187 Stephen A. Kent, "Freemen, Sovereign Citizens, and the Threat to Public Order in British Heritage Countries", (2015) 6 International Journal of Cultic Studies 1.

188 Kent, *supra*, at 2, 6-8.

189 Kent, *supra*, at 12.

190 Kent, *supra*, at 12.

191 Jennifer Pytyck & Gary A. Chaimowitz, "The Sovereign Citizen Movement and Fitness to Stand Trial", (2013) 12 International Journal of Forensic Mental Health 149.Asimilar conclusion was drawn in *JAG (Re)*, 2014 CarswellOnt 8364 (Ont. Cons. & Capacity Bd.) and *JB (aka PS) (Re)*, 2015 CanLII 92039 (Ont. Consent and Capacity Board), but see NM, 2011 CarswellOnt 12903 (Ont. Cons. & Capacity Bd.). The result in*NM* is arguably a consequence of the OPCA litigant having a diagnosed psychiatric condition prior to becoming an OPCA affiliate. *R. v. Kaluza*, 2010 QCCQ 3694, 2010 CarswellQue 4317 (C.Q.), reversed 2011 CarswellQue 4827 (C.A. Que.) and *R. c. Kaluza*, 2011 QCCA 803, 2011 CarswellQue 4827 (C.A. Que.) address whether advancing the "Strawman" concept indicates a lack of capacity.

192 George F. Parker, "Competence to Stand Trial Evaluations of Sovereign Citizens: A Case Series and Primer of Odd Political and Legal Beliefs", (2014) 42 J. Am. Acad. Psychiatry Law 338.

193 Parker, *supra*, at 341.

194 Parker, *supra*, at 342.

195 Parker, *supra*, at 342.

196 Parker, *supra*, at 346-347.

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197 Parker, *supra*, at 346-347, citing *U.S. v. Cordell* (May 9, 2011), 1103006-01-CR-SGAF (US Dist Lexis WD Mo).

198 Parker, *supra*, at 347.

199 Angela W Eke *et al.*, "Threats, Approach Behavior, and Violent Recidivism Among Offenders Who Harass Canadian Justice Officials", (2014) 1 J. Threat Assessment and Management 3:188.

200 This observation is unsurprising to the author who has noted, on an anecdotal basis, that there appears to be a high correlation between affiliation with the Freeman movement and criminal activities. This is also reflected in the reported use of stereotypic Freeman OPCA strategies as a 'get out of jail free' mechanism, see footnotes 136-138.

201 School of Medicine, University of California, San Diego Psychoanalytic Center.

202 J. Reid Meloy, "The Lone Terrorist in the Workplace", *Psychology Today* (16 December 2014), online: http://www.psychologytoday.com/blog/the-forensic-files/201412/the-lone-terrorist-in-the-workplace.

203 J. Reid Meloy & Jessica Yakeley, "The Violent True Believer as a 'Lone Wolf'--Psychoanalytic Perspectives on Terrorism", (2014) 32 Behav. Sci. Law 347.

204 *Meads v. Meads*, *supra*, at paras. 379-416.

205 For example, a NOUICR.

206 Only a small number of these "travelling" confrontations actual lead to reported cases, including: *R. v. Bydeley*, *supra*; *R. v. Dornn*, 2012 MBCA 85, 2012 CarswellMan 545, 284 Man. R. (2d) 36 (Man. C.A. [In Chambers]): *R. v. Wywrot*, 2012 CarswellOnt 17410 (Ont. C.J.); *Viglione c. Sociétéde l'Assurance Automobile du Québec*, 2012 QCCS2742, 2012 CarswellQue 6154 (C.S. Que.): *R. v. Cassista*, 2013 ONCJ 305, 2013 CarswellOnt 7411 (Ont. C.J.): *R. v. Valliere*, 2013 ONCJ 158, 2013 CarswellOnt 3536 (Ont. C.J.): *R. v. Westover*, 2013 ONCJ 472, 2013 CarswellOnt 11933, 49 M.V.R. (6th) 336 (Ont. C.J.); *R. v. Ainsworth*, *supra*; *R. v. Alexander*, 2012 BCPC 108, 2012 CarswellBC 1112 (B.C. Prov. Ct.).

207 See footnotes 48-49.

208 Kent, *supra*, at 5 suggests this may be a challenge, given the failure of an attempt to characterize the Freeman-on-the-Land population by anonymous survey techniques.

209 Hamilton, "The Organized Pseudolegal Commercial Argument (OPCA) Litigant Case", *supra*.

210 Julie Macfarlane, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants* (May 2013) *The Law Society of Upper Canada*, online: http://www.lsuc.on.ca/uploadedFiles/For_the_Public/About_the_Law_Society/Convocation_Decisions/2014/Self-represented_project.pdf.

211 See Pytyck & Chaim, *supra*, Netolitzky, *supra*, at IX(B). Typical OPCA materials are obviously the product of groups or individuals with special, marginalized, and highly conspiratorial interests.

212 Netolitzky, *supra*, at IX(B).

213 This article and Netolitzky, *supra* identifies a large number of OPCA websites. Their content is representative of the manner in which these materials are discussed and disseminated.

214 *Bank of Montreal v. Rogozinsky*, *supra*, at para. 38.

215 *Bossé v. Farm Credit Canada*, *supra*, at paras. 31, 42.

216 Sullivan, *supra* 787-789; Theret, *supra*, at 860; *U.S.A. v. Phillips*, *supra*, at 11; Kent, *supra*, at 2, 6-8; Huhn, *supra*, at 419-422; Koniak #1, *supra*, at 69-71, Koniak #2, *supra*, at 1766-1768. Levin, *supra*, at 13-15 also links this to cultural differences.

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217 *Freeman & anor v. Bank of Scotland (Ireland) Ltd & ors*, [2013] IEHC 371; *Kearney v. KBC Bank Ireland Plc & Anor*, [2014] IEHC 260; *McCarthy & Ors v. Bank of Scotland Plc & Anor*, [2014] IEHC 340; *Reynolds & Anor v. McDermott*, [2014] IEHC 219; *Harrold v. Nua Mortgages Ltd.*, [2015] IEHC 15; *Irish Bank Resolution Corporation Ltd. v. Peacock*, [2015] IEHC 86; Keys #1, *supra*; Keys #2, *supra*.

218 Kent, *supra*, at 2, 6-8.

219 This does vary guru to guru. David Kevin Lindsay (Netolitzky, *supra*, at IV) for example, seems eager to take on a primary role in court proceedings.

220 *Meads v. Meads*, *supra*, at para. 78.

221 *Alberta Treasury Branches v. Nielson*, *supra* dissects Gold Shield Alliance and its operation. Gold Shield Alliance is one aspect of a larger U.S. prosperity program scam, Freedom Club U.S.A., online: (International http://www.freedomclubusa.com/. Gold Shield Alliance requires its customers join Freedom Club U.S.A. for a $300.00 fee. Unsurprisingly, most Gold Shield Alliance customers appear to be in severe economic distress.

222 Gold Shield Alliance: Freedom in Action, online: gold-shield-alliance.com/.

223 ACCP-ACAC, online: http://www.accp-acac.ca; Internet Archive, online: https:// web.archive.org/web/20130528032051/ http://consumerpurchasers.ca; see also Youtube, online: https://www.youtube.com/watch?v=TyQSEcdY6Mc; Global F.A.C.T. Radio, online: http://www.blogtalkradio.com/globalfactradio/2013/03/25/global-fact-radio-robert-menard-consumer-purchase-theory; Facebook, online: https://www.facebook.com/groups/457133764361174/.

224 This appears to be a variation of the bill consumer purchase ‘money for nothing’ scheme discussed in *Meads v. Meads*, *supra*, at paras. 544-547.

225 The OPPT (guru Heather Ann Tucci-Jarraf) in December 2012 filed *Uniform Commercial Code* documents that its promoters claimed foreclosed on all world governments, corporations, and financial institutions, and allocated each person $10 billion in a trust. This scheme is characterized by specific documents, “Courtesy Notices”, which OPPT adherents use to allegedly discharge obligations and obtain immunity, I UV, online: http://i-uv.com/oppt-absolute/oppt-tools/oppt-courtesynotice/. Mortgages are a common target for these documents.

The OPPT scheme attracted a great deal of attention during 2013 and had many early adherents, particularly given its promise of enormous wealth. Repeated failure, particularly home foreclosure, has discouraged many subscribers. The OPPT promoters have since relocated to Morocco where they continue to seek financial support from OPPT affiliates. The OPPT backstory has become increasingly byzantine, involving many new age concepts as well as terrestrial and extraterrestrial interference and conspiracy.

The author has encounteredOPPT Courtesy Notices in a number of home foreclosure scenarios. The only reported case that involves OPPT arguments was a child sex offender's attempt to evade criminal sanction: *R. v. Seagull, 2013 BCSC 1811, 2013 CarswellBC 2957 (B.C. S.C.); see also* R. v. Seagull, 2013 BCSC 1106, 2013 CarswellBC 1870 (B.C. S.C.), affirmed 2015 BCCA 164, 2015 CarswellBC 1011 (B.C. C.A.).

226 See *isis Nation Estates v. Canada*, *supra* and SUNKE Temple Trust, online: http://www.sunketempletrust.com/. Blackshear formerly collaborated with Antonacci of the TSILC/USN (Netolitzky, *supra* at VI(C) during its pre-2009 phase, but was subsequently deported from Canada: *A.S. (Re)*, 2014 ABPC 300, 2014 CarswellAlta 2633 (Alta. Prov. Ct.) at para. 10.

227 As was frankly admitted by one such participant in the Fiscal Arbitrators scheme, “I got greedy”: *Bhatti v. The Queen*, at para. 1. Another participant admitted it did not make sense and that he was embarrassed by his involvement: *Torres v. Canada*, 2013 TCC 380, 2013 CarswellNat 4583, 2013 CarswellNat 6300, [2014] 2 C.T.C. 2226 (T.C.C. [General Procedure]) at para. 39, affirmed 2015 FCA 60, 2015 CarswellNat 467, 2015 CarswellNat 6413 (F.C.A.).

228 The Paradigm Education Group is a useful example. In total that Detaxer group had about 800 members (*R. v. Porisky*, 2012 BCSC 771, 2012 CarswellBC 1489, 2012 D.T.C. 5095 (B.C. S.C.) at para. 40), however that illegal activity has only resulted in 49 criminal

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prosecutions (British Columbia--25; Alberta--3; Saskatchewan-- 12; Ontario--8; New Brunswick--1), and many of these prosecutions involve ‘educators' for whom the Crown is seeking gaol sentences.

229 Netolitzky, *supra*, at IV.

230 Claire Brownell, “CRA charges tax preparers who led Windsorites to financial ruin”, Windsor Star (26 February 2013); David Blaines, “CRA disallows tax deduction program, leaving his clients to deal with CRA”, Vancouver Sun (19 February 2013). Watts is the subject of ongoing criminal litigation (*R. v. Watts*, 2015 ONSC 5597; *R. v. Watts*, 2015 ONSC 5600; *R. v. Watts*, 2015 ONSC 7375), was convicted, and now faces sentencing.

Related schemes appear to have been advanced by other potentially affiliated groups, including DSC Lifestyle Service (Bruce and Roger Blair) and DeMara Consulting (Donna Marie Stancer and Deanna LaValley): *Matsui v. Canada*, *supra*; Claire Brownell, “Windsor DSC Lifestyle investors slapped with huge tax penalties”, *Windsor Star* (12 February 2013). Stancer and LaValley were recently sentenced to 33 and 22 months, respectively, for their tax fraud activities: “Tax fraud leads to 33 months in jail”, *Vernon Morning Star* (20 January 2016).

231 *Mallette v. The Queen*, 2016 TCC 27 at para. 5; *Janovsky v. The Queen*, 2013 TCC 140, 2013 CarswellNat 1377, 2013 CarswellNat 2080, 2013 D.T.C. 1127 (Eng.) (T.C.C. [Informal Procedure]) at para. 6, *Torres v. Canada*, *supra*, at paras. 38, 43, 45, 53-54, Brisson v. The Queen, 2013 TCC 235, 2013 CarswellNat 2771, 2013 CarswellNat 4043 (T.C.C. [General Procedure]) at para. 14, and *Bhatti v. The Queen*, *supra*, at para. 13 indicate the scheme involves the double/split person motif, see *Meads v. Meads*, *supra*, at paras. 417-446. If so, it appears similar to or the same as the OPCA strategy described in *Girard c. La Reine*, *supra*, *Goyette c. Agence du revenu du Québec*, 2013 QCCQ 1629, 2013 CarswellQue 13750 (C.Q.), and *Robert v. The Queen*, 2011 TCC 166, 2011 CarswellNat 1515, 2011 CarswellNat 615, (*sub nom.*Robert v. R.) 2011 D.T.C. 1133 (Fr.) (T.C.C. [Informal Procedure]) where the “Strawman” employs his “human” to create business expenses. See also Blaines, *supra*.

232 The author has identified seven Fiscal Arbitrators judgments (see footnote 233) that report on the appeals conducted by a total of 24 taxpayers. It appears identical or at least closely related arguments are being advanced in another 84 Tax Court of Canada appeals. These are identified in Tax Court of Canada docket records as “Related Appeals” labelled “Fiscal Arbitrators, Penalties”.

233 *Bhatti v. The Queen*, *supra*; *Janovsky v. The Queen*, *supra*; *Bolduc v. Canada*, 2014 TCC 128, 2014 CarswellNat 1410, 2014 CarswellNat 8609, 2014 D.T.C. 1127 (T.C.C. [General Procedure]); *Torres v. Canada*, *supra*; *Chenard v. The Queen*, 2012TCC 211, 2012 CarswellNat 1991, 2012 CarswellNat 2840, 2012 D.T.C. 1195 (Fr.) (T.C.C. [Informal Procedure]); *Brisson v. The Queen*, *supra*; *Braithwaite v. The Queen*, 2016 TCC 29; *Chartrand v. The Queen*, 2015 TCC 298; *Daszkiewicz v. The Queen*, 2016 TCC 44; *Khattar v. The Queen*, 2015 TCC 338; *Lavoie c. La Reine*, 2015 CCI 228; *Mallette v. The Queen*, *supra*; *Maynard v. The Queen*, 2016 TCC 21; *Ramlal v. The Queen*, 2016 TCC 26; *Robichaud v. The Queen*, 2016 TCC 19; *Taylor v. The Queen*, 2015 TCC 335. The notable exception is *Haynes v. The Queen*, 2013 TCC 229, 2013 CarswellNat 4344, 2013 CarswellNat 2475, 2013 D.T.C. 1186 (Eng.) (T.C.C.), where the taxpayer, now represented by his father, advanced classic Detaxer-period arguments concerning whether the *Income Tax Act* had been validly enacted.

234 *Bhatti v. The Queen*, *supra*, at para. 11; *Janovsky v. The Queen*, *supra*, at para. 12; *Torres v. Canada*, *supra*, at paras. 5, 33; *Chenard v. The Queen*, *supra*, at para. 7; *Lavoie c. La Reine*, *supra*, at para. 23; *Mallette v. The Queen*, *supra*, at paras. 3-5.

235 For example, as former Canada Revenue Agency employees: *Bhatti v. The Queen*, *supra*, at para. 11; *Janovsky v. The Queen*, *supra*, at para. 7; *Torres v. Canada*, *supra*, at paras. 26, 41; *Chenard v. The Queen*, *supra*, at para. 7.

236 See for example CTV,”NoTax”,W5 (21 April 2002); Michael Coren, “Michael Coren Live” (July 2002) YouTube, online: https://www.youtube.com/watch?v=Ctc4Vy-BL0aM.

237 Netolitzky, *supra*, at IV.

238 This is the litigant reported in *R. v. Eddy*, 2014 ABQB 164, 2014 CarswellAlta 453, 95 Alta. L.R. (5th) 315 (Alta. Q.B.), *R. v. Eddy*, 2014 ABQB 234, 2014 CarswellAlta 704, 1 Alta. L.R. (6th) 95 (Alta. Q.B.), additional reasons 2014 CarswellAlta 1096 (Alta. Q.B.), *R. v. Eddy*, 2014 ABQB 391, 2014 CarswellAlta 1096, 1 Alta. L.R. (6th) 131 (Alta. Q.B.), *R. v. Eddy*, 2015 ABQB 744, and *R. v. Eddy*, 2016 ABQB 42. Eddy subsequently pled guilty and received a two year less a day conditional sentence.

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239 Netolitzky, *supra*, at V.

240 It does seem fair to observe that a stereotypic Freeman-on-the-Land Cheerleader is a marginally successful individual whose life is dominated by fringe political and social interests and associations. They clearly are at home in the OPCA sphere.

241 While the author lacks the data to establish this fact, it is plausible that the size of these two subpopulations have been reduced by the emergence of effective anti- OPCA jurisprudence such as *Meads v. Meads*, *supra*, and broader and negative public exposure to OPCA concepts and litigation.

242 This is a common scenario for initial conflict between an OPCA affiliate and state actors: *Meads v. Meads*, *supra*, at para. 126, see also *M.D.C. v. T.C.*, *supra*, at paras. 13-17; *R. v. Bydeley*, *supra*; *R. v. Alexander*, *supra*; *R. v. Chandler*, 2014 ONCJ 709, 2014 CarswellOnt 18341 (Ont. C.J.).

243 Resisting arrest, however, appears common.

244 Admittedly, the meaning of those anomalies may not be appreciated, as illustrated by King, Bush, and Loughner.

245 In the author's experience it is unusual to encounter an OPCA litigation scenario where fee schedules are *not* deployed. Fee schedules are also integral to the NOUICR process.

246 Fee schedules are reviewed in *Meads v. Meads*, *supra*, at paras. 505-528.

247 See footnote 52.

248 For example, Menard's current ACCP scheme, see footnotes 223-224. Most of the information about the ongoing ACCP scheme has been obtained by leaks from private, invite-only Internet forums. An informational website is, at best, vague.

249 For example, *Haynes v. The Queen*, *supra*--Detaxer arguments in response to a Fiscal Arbitrators scenario; *R. v. Sydel*, 2010 BCSC 1473, 2010 CarswellBC 2836, [2011] 1 C.T.C. 200 (B.C. S.C.) at paras. 18-23, affirmed 2011 BCCA 103, 2011 CarswellBC 749 (B.C. C.A.), leave to appeal refused 2011 CarswellBC 2576, 2011 CarswellBC 2577, [2011] S.C.C.A. No. 191 (S.C.C.)--Paradigm Education Group Detaxer dentist customer advances OPCA arguments and claims of a Freemason conspiracy; *Law Society of Upper Canada v. Hosein*, 2014 ONLSTH 218 - Ontario lawyer advances foisted unilateral agreement strategies and Gold Shield Alliance materials.

250 This approach limits clerks to evaluating formal defects: *Ward v. ANZ National Bank Ltd.*, [2012] NZHC 2347. U.S. courts have used the same approach to block filing of Moorish Law documents: Melle, *supra*, at 579. Other early court response strategies to OPCA litigation include a U.S. approach that a lawyer conduct a pre-filing review of documents from identified OPCA sources (Theret, *supra*, at 803), a global prohibition of an "officious buttinsky" OPCA litigant from interaction with the courts (*Peddle v. Alberta Treasury Branches*, 2004 ABQB 608, 2004 CarswellAlta 1054 (Alta. Q.B.)), and the Ontario *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, s. 2.1.01 summary procedure to challenge filings that appear to be frivolous, vexatious, or an abuse of process: see *Gao v. Ontario (Workplace Safety and Insurance Board)*, 2014 ONSC 6100, 2014 CarswellOnt 14555, 37 C.L.R. (4th) 1 (Ont. S.C.J.), additional reasons 2014 CarswellOnt 15695 (Ont. S.C.J.); *Ali v. Ford*, *supra*.

251 A small fraction of these documents were from Gold Shield Alliance. The majority of Gold Shield Alliance materials were mailed directly to court officials, justices, and masters.

252 This procedure is discussed in *Meads v. Meads*, *supra*, at paras. 694, 700.

253 For example, K.S. Douglas *et al.*, *HCR-20V3: Assessing risk of violence--User guide*, (Burnaby: Mental Health, Law, and Policy Institute, Simon Fraser University, 2013).

254 For example, A N Cook *et al.*, *Multi-Level Guidelines for the assessment and management of group-based violence* (Burnaby: Mental Health, Law, and Policy Institute, Simon Fraser University, 2013).

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255 The U.S. Department of Homeland Security identifies these steps as a typical precursor to violence directed to judges and government officials: Homeland Security Report, *supra*, at 3.

256 This is a conclusion in the Homeland Security Report, *supra*.

257 For examples see footnote 47.

258 For examples see footnote 48.

259 The apparent source for this broadly cited estimate is J.J. MacNab, "'Sovereign' Citizen Kane", *Intelligence Report* (Fall 2010) Southern Poverty Law Center, online: http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/fall/sovereign-citizen-kane. This cites IRS evidence that it receives 20,000-30,000 "frivolous" (OPCA) tax returns and 100,000 letters from "tax protestors" per year. If the IRS correspondence is the key foundation for this estimate then that suggests the estimate is high, because a certain proportion of the OPCA population in the U.S. are less ideological tax protestors, see footnote 41. See footnotes 109-126 and accompanying text for Sovereign Citizen violence. The scope of litigation by this population is difficult to assess. The only data of which the author is aware is that New Jersey court officials identified 1200 Sovereign Citizen lawsuits filed in 2013: Jason Laday, "Sovereign citizen court cases number 1,200 in past year, says state judiciary", *South Jersey Times* (16 September 2014).

260 See Netolitzky, *supra*, at I. Another method to indirectly estimate the OPCA population since emerged. Users on the Quatloos web forum (online: http://www.quatloos.com/Q-Forum/) have published a number of very high interest court documents that involve the litigation activities of Canadian gurus including Menard and Dean Clifford, and then tracked the frequency at which these documents were downloaded. The typical range is 500-1500 downloads in the one-week period after document publication. This implies the OPCA sphere is a far smaller community than is often presumed, particularly since some downloads would not be by OPCA affiliates but instead by critics and skeptics.

261 *Meads v. Meads*, *supra* is the leading example, but that judgment is only one of a phalanx of recent decisions that rebut OPCA concepts in a manner that directly challenges the OPCA sphere construct, including: *Fearn v. Canada Customs*, *supra*; *ANB v. Hancock*, *supra*; *R. v. Petrie, 2012 BCSC 2109, 2012 CarswellBC 4319 (B.C. S.C.)*; Bossév. Farm Credit Canada, supra; Alberta Treasury Branches v. Nielson, supra; Bank of Montreal v. Rogozinsky, supra; R. v. Boxrud, supra; Re Boisjoli, supra; Servus Credit Union Ltd. v. Parlee, *2015 ABQB 700*; *Crossroads-DMD Mortgage Investment Corp. v. Gauthier*, 2015 ABQB 703, 60 R.P.R. (5th) 28.

262 Even casual exposure to the modern Canadian OPCA sphere indicates how many Cheerleaders and Fighters and Believers focus intensely on this subject, and endlessly recycle Internet memes and videos of what is framed as police misconduct, the militarization of law enforcement, images of police brutality, and the consequential need to arm oneself in defence. The author strongly suspects that investigation of OPCA sphere residents will reveal a large fraction have already been the subjects of law enforcement attention, see footnotes 136-138. Simply put, a significant portion of OPCA sphere residents appear to be criminals.

This hostility to law enforcement is not unique. Shortly after the 4 June 2014 RCMP shootings in Moncton, New Brunswick by Justin Borque, the author and other OPCA investigators conducted a detailed review of Bourque's activities to evaluate if this incident was an example of an OPCA affiliate engaged in a spree attack on law enforcement, an alarming pattern that has emerged in the U.S. (see Homeland Security Report, *supra*). None was found. Bourque's opinions do, however, show obvious parallels to stereotypic OPCA sphere perspectives towards state and police, see for example Facebook, online: https://www.facebook.com/justin.bourque.5682; Scribd, online: https://www.scribd.com/doc/249312403/Justin-Bourque-RCMP-interview-transcript.

263 For example: *A.R. v. Alberta (Child, Youth and Family Enhancement Act Director)*, 2013 ABQB 280, 2013 CarswellAlta 826, 283 C.R.R. (2d) 290 (Alta. Q.B.), reversed 2014 CarswellAlta 691 (Alta. C.A.); *Curle v. Curle*, *supra*; *M.D.C. v. T.C.*, *supra*; *Penney v. Tufts*, 2014 NSCA 38, 2014 CarswellNS 252, 343 N.S.R. (2d) 378 (N.S. C.A.); *S.H. v. G.J.*, 2013 BCPC 242, 2013 CarswellBC 2887 (B.C. Prov. Ct.); *New Brunswick (Minister of Social Development) v. C. (C.)*, *supra*; *A.S. (Re)*, *supra*.

264 For example: *College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia v. Fischer*, 2014 BCSC 985, 2014 CarswellBC 1530 (B.C. S.C.): *R. v. Sydel*, 2006 BCPC 346, 2006 CarswellBC 1904, [2006] 5 C.T.C. 88 (B.C. Prov. Ct.): *R. v. Jastrebski*, 2013 SKQB 150, 2013 CarswellSask 251, 419 Sask. R. 15 (Sask. Q.B.), affirmed 2014 SKCA 127, 2014 CarswellSask 771 (Sask. C.A.).

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265 For example: *JAG (Re), supra;NM, supra*; *King (Re), supra*; *King #1, supra, King #2, supra*; *JB (aka PS) (Re), supra*.

266 In 2014 the Court of Queen's Bench had no less than six Edmonton-area files where OPCA concepts were unsuccessfully advanced in response to home foreclosures or evictions: *Canadian Western Trust Company v. Bidea*, Doc. Wetaskiwin 1201-01993 (Alta. Q.B.); *Alberta Treasury Branches v. Nielson, supra*; *Re Reynolds Estate*, Doc. Edmonton ES03 116011 (Alta. Q.B.); *Bank of Nova Scotia v. Pink Ice Limo's & Charters Ltd.*, Doc. Edmonton 1203 02897 (Alta. Q.B.); *Bank of Nova Scotia v. Harris*, Doc. Edmonton 1203 08198 (Alta. Q.B.); *Manulife Bank of Canada v. Chorney*, Doc. Edmonton 1303 13861 (Alta. Q.B.).

267 See the documents filed in Fearn's most recent U.S. action, *Winningham v. Wells Fargo Bank Inc.*, Doc. 4-14-CV-853-A (DC North Tx 2015). Fearn's claims for over $4 billion and "death by hanging for the criminals named herein" were dismissed 19 November 2014.

268 *Criminal Code*, s. 718.02; *R. v. Treleaven*, 2013 ONSC 1035, 2013 CarswellOnt 2153 (Ont. S.C.J.) at para. 49; *R. v. Michel*, 2010 NWTTC 9, 2010 CarswellNWT 73 (N.W.T. Terr. Ct.) at para. 19; *R. v. Hefferan*, 2014 CarswellNfld 93, 348 Nfld. & P.E.I.R. 279 (N.L. Prov. Ct.) at para. 32

269 See footnotes 136-138, 189.

270 Many Canadian OPCA gurus have engaged in criminal activity, see Netolitzky, *supra*.

271 Yves-Marie Morissette, "Querulous or Vexatious Litigants, A Disorder of a Modern Legal System?" (Paper delivered at the Canadian Assocation of Counsel to Employers, Banff AB (26-28 September 2013)).

272 Following on Charles Mackay, *Extraordinary Popular Delusions and the Madness of Crowds* (New York: Dover Publications, 2003).

273 See text accompanying footnotes 92-93.

274 *With Lawful Excuse*, *supra*, at 49.

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