

## I'm not a Citizen and I'm not a Person!



Most OPCA concepts revolve around one legal personality or "Person" and the birth certificate "Strawman" which the OPCA adherent sees as a form of slavery. The "Strawman" concept reflects a curious belief that an individual, who is conventionally considered to be a single unit, is instead composed of two parts: a physical "man" only subject to natural law, who is linked to a legal person or "Strawman" doppelganger. This "Strawman" is a non-corporeal legal fiction that provides the mechanism by which state actors exert their otherwise illegitimate legislated authority over the physical "man." To find redemption from these imposed chains, the theory insists that one can "rescind the contract" that allegedly exists, by revoking their legal personality and renouncing their citizenship.

### **(1) The contract**

Apparently, this can easily be done by serving on various government agencies a "claim of right" announcing their independence and cutting all ties to them. They insist this notarized document, sworn affidavit, notice of understanding intent and claim of right or other paperwork that is served by the offeror, becomes a valid contract or agreement of the parties after the expiry of an allotted time period. It is claimed that the terms are accepted by acquiescence, due to the offeree's silence, non-response or inability to rebut the contents of the document within the given time. Often a commercial lien process is undertaken in order to deal with any breaches of this alleged contract.

This is known as paper terrorism, it is a foisted and fraudulent contract and it has no legal effect. This deceitful process is not even recognised at law, in fact it is easily established in various sources around the world that silence does not imply agreement.

*Felthouse v Bindley* (1862) 142 ER 1037 is a universally accepted cornerstone of the common law of contract, but as cited more recently in [Glenevan Pty Ltd \[2015\] NSWSC 201](#):

*"The repeated proposition that the affidavit, being unrefuted, "stood as law and fact" is nonsense. Unrebutted affidavits do not necessarily conclusively establish the facts deposed to in them. They are evidence of facts. They do not establish them conclusively. Even less do they establish law. The idea that somehow by serving the so-called commercial lien on the Deputy Commissioner or anyone else those parties become bound by it is equally nonsense. Mere receipt or notice of a document does not mean that the recipient acknowledges, accepts or becomes bound by it. In the course of legal proceedings, parties are served with statements of claim and affidavits on a regular basis. The receipt of those documents does not of itself mean that the party is bound by or party to it, any more than receipt of a letter by an addressee means the party accepts its truth or becomes bound by it."*

From [UK Births Deaths and Marriages...](#)

*"The registration of a birth does not involve a "contract", and such registration does not "contractually bind the individual to your society". A registration is a simple record that an event has taken place (ie a birth), and as such it is not possible to "de register". As indicated, there is no contract to void or renegotiate."*

Read more in the articles [Everything is a contract](#) and [The Fraudulent Foisted Contract](#).

## **(2) The legal personality**

Another point which is overlooked here, is the fact one doesn't gain a legal personality from a birth certificate, it is granted at birth, as soon as the baby has "a separate and independent existence from their mother" as held in [R v Hutty \[1953\] VLR 338](#). In this 1953 case, a young woman fell pregnant and, after concealing her pregnancy from her parents, gave birth in an outhouse. When the baby started crying she in an emotional panic beat the newborn with her shoe. She was charged with murder. The defence argued that the newborn was still attached by the umbilical cord and the question was asked 'what is a person' and if a newborn still attached to its mother, with no certificate of birth, is a legal person.

The court found that a legal person that can be protected by law is: 1. A human being, a person cannot be any other animal. 2. Must have a separate and independent existence from their mother.

In that case, it was found that the newborn was a human that had left its mother's body, and because it was crying it was obviously breathing and functioning independently, and the fact that it was still attached and had no certificate of birth, and didn't even have a name, did not change this. The law recognises and protects one's legal personality from the moment of birth, not from the moment one's parents lodge a birth certificate.

*"Murder can only be committed on a person who is in being, and legally a person is not in being until he or she is fully born in a living state. A baby is fully and completely born when it is completely delivered from the body of its mother and it has a separate and independent existence in the sense that it does not derive its power of living from its mother. It is not material that the child may still be attached to its mother by the umbilical cord; that does not prevent it from having a separate existence. But it is required, before the child can be the victim of murder or of manslaughter or of infanticide, that the child should have an existence separate from and*

*independent of its mother, and that occurs when the child is fully extruded from the mother's body and is living by virtue of the functioning of its own organs."*

Similarly, in the U.S. in [1 U.S. Code § 8 89 \(a\)](#)

*"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words "person", "human being", "child", and "individual", shall include every infant member of the species homo sapiens who is born alive at any stage of development."*

On that note, it must be realised that ones legal personality is not divisible from the living man. It has been ruled in many cases that the 'person' and the physical human are 'indivisible', including in [Minister of National Revenue v. Stanchfield, 2009 FC 99 \(CanLII\)](#):

*"The whole notion of their being a second capacity distinct from the one of a natural person or human being is a pure fiction, one which is not sanctioned by law. One can describe nothing in any terms one wishes; it still remains nothing. Cory Stanchfield's attempt to argue before this Court that his body comprises two persons which act in different capacities is of one of two things: (1) an inadmissible division of his indivisible entity, or (2) an attempted creation of a second entity in a fashion which is not recognized by law, the result of which amounts to nothing in the eyes of the law. It is an attempt at the impossible and the respondent cannot do the impossible. Therefore, "Cory Stanchfield (the Respondent)" and "Cory Stanchfield, in his capacity as a natural person (the Witness)" is but one person, with one single capacity."*

Read more in the articles [Meet your Strawman](#), [The Evil Conspiracy to Capitalise Lettering](#), and [A Corporation can be a Person, but a Person cannot be a Corporation](#).

### **(3) The citizenship**

A third flaw in this process, is regarding ones citizenship. It is argued that non-citizens have no legal capacity, and therefore by renouncing citizenship you are granted immunity. However, a few years ago the High Court held an injunction in the interests of protecting 150 non-citizens being held on a ship off the Australian coast. Obviously Australian law protects non-citizens. Non-Citizens can also be charged with criminal offenses, and may be deported if they commit a crime with a sentence of greater than one year: [s 201 Migration Act 1958 \(Cth\)](#). 'Unlawful' non-citizens are automatically detained: [s 189 Migration Act](#).

The acquisition of citizenship in history has been by two methods: by blood (jus sanguinis) or by soil (jus soli). If one of the parents is an Australian citizen, as is most often the case here, then the child is automatically an [Australian citizen by descent](#), especially since they were born on Australian soil. If they were born overseas they would have to apply for citizenship by descent. A child of a citizen born on Australian soil, covers both of these doctrines of law. As you can see from point (3) above, the child both has a "person" and is an "Australian citizen", even before the umbilical cord is cut, regardless of any birth certificate.

Revoking ones citizenship is a complicated process, and not as simple as sending in a notice. One glaring flaw in the OPCA theory is that one cannot renounce their citizenship without becoming a citizen of another nation. According to the [Home Affairs website](#):

*"We will not approve your application to renounce your citizenship if you do not have another foreign citizenship or it is not in Australia's interests."*

**"Eligibility-** your application to renounce Australian citizenship will not be approved unless you are or will be a citizen of another country."

This is pursuant to Article 7 of the [Convention on the Reduction of Statelessness](#):

*"Laws for the renunciation of a nationality shall be conditional upon a person's acquisition or possession of another nationality."*

#### **(4) The legal effect**

*"Mr Borleis, who was brought to Court from the prison today, was allowed to make some submissions himself. He submitted that the Magistrate had no authority to deal with him. He seemed to distinguish between himself as a man in two different capacities and suggested that the law did not bind him in one of those two capacities. This rather esoteric and spiritual argument does not find any reflection in any provision of our law." -[Borleis v Wacol Correctional Centre \[2011\] QSC 232](#)*

#### **[Australian Competition & Consumer Commission v Rana \[2008\] FCA 374](#):**

*"On 19 November 2007, the Court commenced the hearing of the charges by seeking to establish whether the respondents including Paul Rana appeared. When asked whether he was Paul Rana, the following exchange occurred:*

**MR RANA:** Paul John, sir. Just for on the record...

**HIS HONOUR:** No, no, Mr Rana. Are you Paul John Rana?

**MR RANA:** No.

**HIS HONOUR:** All right. Well, if you take a seat, I will issue a bench warrant to have Paul John Rana arrested and brought to the court. Just take a seat...

**MR RANA:** That is fine. For and on the record, I would like to appoint the other side as fiduciary, and here are their instructions.

**HIS HONOUR:** Take a seat, Mr Rana.

**MR RANA:** You may address me as Paul John. I am here as a third party intervener, here only by special appearance under injury with a real interest in the matter and reserve all rights, powers and privileges. I am here with limited jurisdiction. I am here to assist the court to settle and close all real issues and find out the nature and cause of this action and there by – if there be any today and to stop and correct any leave all parties commercially whole. I thank you, your Honour.

**HIS HONOUR:** Mr Rana, are you or are you not Paul John Rana?

**MR RANA:** I have just explained that, sir.

**HIS HONOUR:** Your explanation was, frankly, nonsense. The question I asked you is whether or not you are Paul John Rana. If you are not, I will have the police arrest Paul John Rana and bring

him to the court as soon as possible.

**MR RANA:** That is fine, sir. I am not the defendant. I am commonly known as Paul John of the family Rana.

**And later the following further exchange occurred:**

**HIS HONOUR:** There is really one issue and that is whether you are the person named in the summons.

**MR RANA:** Yes, well, I conditionally accept your offer to address me as Mr Rana on proof of claim that the answer to that name does not give me a disability.

**HIS HONOUR:** There is one question: are you or are you not Paul John Rana? If not, I will have the police ...

**MR RANA:** I am not the defendant, your Honour.

**HIS HONOUR:** Yes. Well, I will have the police find the defendant and bring that person before me.

**MR RANA:** Fantastic.

*In view of the failure of Paul Rana to identify himself and the failure of Micheal Rana to appear, the Court issued warrants for the arrest of these two defendants and adjourned the hearing of the charges."*

Read more in the article [The Strawman in the Courts](#) and you can locate further cases on this website under the Tags "[Capital Letters](#)", "[Glossa/Dog Latin](#)", and "[Legal Personality/ The Strawman](#)".



[Robert R. Sudy](#) (author) Website: [Freeman Delusion: The Organised Pseudolegal Commercial Argument in Australia](#) Email: [robertsudy@freemandelusion.com](mailto:robertsudy@freemandelusion.com) \* Like the page on [Facebook](#) Public group [Australian Pseudolaw](#) \* Follow me on [Twitter](#) \* Subscribe on [YouTube](#).