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Monterey, California: Naval Postgraduate School

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**NAVAL  
POSTGRADUATE  
SCHOOL**

**MONTEREY, CALIFORNIA**

**THESIS**

**UNCOMMON LAW: UNDERSTANDING AND  
QUANTIFYING THE SOVEREIGN CITIZEN  
MOVEMENT**

by

Michelle M. Mallek

December 2016

Thesis Advisor:  
Second Reader:

David Brannan  
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**UNCOMMON LAW: UNDERSTANDING AND QUANTIFYING THE  
SOVEREIGN CITIZEN MOVEMENT**

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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(HOMELAND SECURITY AND DEFENSE)**

from the

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## **ABSTRACT**

This thesis examines possible reasons why some organizations overuse the term “sovereign citizen.” To do so, the thesis discusses various behaviors that sovereign citizens typically undertake, describes activities that the law enforcement community and researchers classify as sovereign citizen-related, and demonstrates the incongruity in some of those attributions. This thesis also explores how various organizations at times incorrectly apply the domestic terrorist label to sovereign citizens, at variance with both state and federal law. The conclusion proposes behavioral markers as a common language for identifying and quantifying anti-government behavior. The conclusion also demonstrates ways in which organizations should apply the markers to better calculate and assess the sovereign citizen movement.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ADL	Anti-Defamation League
BLM	U.S. Bureau of Land Management
CHP	California Highway Patrol
CNN	Cable News Network
DHS	U.S. Department of Homeland Security
DOJ	U.S. Department of Justice
FBI	Federal Bureau of Investigation
HUD	U.S. Department of Housing and Urban Development
IRS	Internal Revenue Service
NASS	National Association of Secretaries of State
SPLC	Southern Poverty Law Center
START	Study of Terrorism and Responses to Terrorism
SWAT	Special Weapons and Tactics Team
UCC	Uniform Commercial Code
USA PATRIOT Act	Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001

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## EXECUTIVE SUMMARY

Generally speaking, the moniker “sovereign citizen” is an umbrella term for individuals who believe they are subject only to “common law” as they interpret it.<sup>1</sup> Common law traditionally refers to the body of law that judges have developed based primarily on prior court decisions, as opposed to statutes that a legislature has drafted.<sup>2</sup> The U.S. judicial system routinely relies on common law to inform its court opinions, thereby providing continuity in rulings.

Many sovereign citizens, however, interpret common law to be pseudo-legal verbiage that works in their favor while simultaneously excluding anything contrary to their goals.<sup>3</sup> Their goals typically include freedom from police traffic stops, court jurisdiction, property laws, and vehicle registration.<sup>4</sup> The sovereign citizen interpretation of common law is a contextomy—that is, a misquoting—of antiquated English law, nineteenth-century American court rulings, ancient treaties, Bible verses, laws from various states, dictionary definitions, admiralty law, and the Constitution, among other references.<sup>5</sup> Sovereign citizens attempt to weave these references together to substantiate their purported freedom from various laws and requirements. In defending and teaching their purported common law-based belief system, sovereign citizens often cite the very authorities they simultaneously claim are illegitimate.

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<sup>1</sup> “Intro to Common Law,” YouTube video, 2:52:11, posted by “Eldonthian McAllister,” July 2, 2013, <https://www.youtube.com/watch?v=8NwXXRkpYEI> and “The Essence of Common Law,” accessed August 4, 2015, <https://www.1215.org/lawnotes/lawnotes/common-law.htm>.

<sup>2</sup> Merriam-Webster Online, s.v. “common law,” accessed November 13, 2015, <http://www.merriam-webster.com/dictionary/common%20law>.

<sup>3</sup> “Citizenship and Sovereignty,” YouTube video, 6:31:38, posted by “sedm.org,” March 31, 2014, <https://www.youtube.com/watch?v=xMrSiiAqJAU>.

<sup>4</sup> “The truth about the United States, law and YOU!,” YouTube video, 1:39:00, posted by “BarNone11970,” February 5, 2014, [https://www.youtube.com/watch?v=SP9ZKVwiJE&index=16&list=PLzUwdMSZr2iYcC\\_RjfooGsgjuFMukrnbS](https://www.youtube.com/watch?v=SP9ZKVwiJE&index=16&list=PLzUwdMSZr2iYcC_RjfooGsgjuFMukrnbS).

<sup>5</sup> “Erwin Rommel School of Law Official Website,” accessed June 19, 2014, <http://rommellaw.com/> and “Nitty Gritty Law Library,” accessed July 17, 2014, <https://www.1215.org/lawnotes/lawnotes/foundation.htm>.

Sovereign citizens are adept at proliferating their common law interpretations. They do so via websites,<sup>6</sup> how to kits,<sup>7</sup> and self-published books.<sup>8</sup> Additionally, some sovereign citizens travel the country presenting seminars that instruct attendees how to effectuate sovereign citizen practices.<sup>9</sup> A number of sovereign citizens have also established homegrown unaccredited “law schools” that offer in person and online courses.<sup>10</sup> One such school, the Nitty Gritty Law Library, disseminates the following interpretation of common law: “‘Custom and usage since time immemorial’ is generally what is behind the definition of common law. There is no singular source of the common law as one would expect with statutes made by a legislature.”<sup>11</sup>

Their perception of common law has led some sovereign citizens to engage in behavior that conflicts with state and federal law.<sup>12</sup> Illegal behaviors that some sovereign citizens have exhibited when demonstrating their perceived common law-based freedoms include:

- forgery (e.g., of identification documents, license plates, passports)<sup>13</sup>
- impersonation (e.g., of attorneys, diplomats, judges, Native Americans, property owners)<sup>14</sup>

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<sup>6</sup> “Sovereignty,” accessed May 7, 2015, <http://famguardian.org/subjects/freedom/freedom.htm#Sovereignty>.

<sup>7</sup> “Sovereign Citizen-shop,” accessed July 2, 2014, <http://sovereign-citizenship.net/-19NRY2ficeKM72Jrb=cOBx-/home/store.html>.

<sup>8</sup> “Title 4 Flag Says You’re Schwag!,” accessed June 24, 2014, [http://api.ning.com/files/urcOx8-1tHTPnj-RQzDoBqRm0PyP\\*-87fAyo8hcWhJNn81tEnnryb-TrQYjMPx\\*-6-bKv1HFedtX75FcQuhUK-BCgSA7Tb4D/Title4FlagsaysyoureSchwag.pdf](http://api.ning.com/files/urcOx8-1tHTPnj-RQzDoBqRm0PyP*-87fAyo8hcWhJNn81tEnnryb-TrQYjMPx*-6-bKv1HFedtX75FcQuhUK-BCgSA7Tb4D/Title4FlagsaysyoureSchwag.pdf).

<sup>9</sup> “Jerry Kane Seminar Pt. 1,” YouTube video, 2:03:12, posted by “piknar27,” January 13, 2015, <https://www.youtube.com/watch?v=4ng19aNgbvM>.

<sup>10</sup> “Freedom School,” accessed May 12, 2015, <http://www.freedom-school.com/>.

<sup>11</sup> “The Essence of Common Law.”

<sup>12</sup> Charles Loeser, “From Paper Terrorists to Cop Killers: The Sovereign Citizen Threat,” *North Carolina Law Review*, no. 1106 (May 1, 2015), 7-8.

<sup>13</sup> U.S. Department of Justice, United States Attorney’s Office, Eastern District Virginia, “Leader of Sovereign Citizen Group Convicted of Causing the Impersonation of Diplomats and Producing False IDs,” news release, August 13, 2014.

<sup>14</sup> “Common Law Office of America,” accessed November 28, 2015, <http://www.usacommonlaw.com/pag-anthony-williams.html>.

- filing harassing legal documents against authority figures (e.g., unsubstantiated property liens, fake indictments, rambling court pleadings)<sup>15</sup>
- passive noncompliance (e.g., failure to pay taxes, failure to register vehicles)<sup>16</sup>
- physical violence against law enforcement officers and other authority figures (e.g., shootings during traffic stops, bombings, threats to kidnap or injure authorities)<sup>17</sup>

From some perspectives, however, the spectrum of sovereign citizen-instigated illegalities is even wider. Organizations and researchers sometimes extend the sovereign citizen label to include persons who are not actually sovereign citizens. More specifically, some organizations and researchers at times incorrectly assume that persons who engage in the anti-government authority behaviors listed above are in fact sovereign citizens. This type of overextension and miscategorization skew understanding of sovereign citizens, and any concomitant threat they may present.

When organizations do correctly identify someone as a sovereign citizen, a secondary issue arises, namely, a failure to dissect the sovereign citizen movement's myriad approaches. Two North Carolina law enforcement officers adeptly describe this problem. They state, "[t]he term 'sovereign citizen' should be viewed as an umbrella under which you will find thousands of loosely organized groups or individuals that share one basic ideological principle [e.g., that laws do not apply to them] but approach it through different paths."<sup>18</sup> The failure to delineate the disparate actions in which

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<sup>15</sup> Joe Green, "'Sovereign Citizen' threatens Vorhees officials over parking tickets, authorities say," *South Jersey Times*, April 8, 2014, accessed November 20, 2015, [http://www.nj.com/camden/index.ssf/2014/04/sovereign\\_citizen\\_follower\\_threatens\\_vorhees\\_officials\\_over\\_tickets\\_authorities\\_say.html](http://www.nj.com/camden/index.ssf/2014/04/sovereign_citizen_follower_threatens_vorhees_officials_over_tickets_authorities_say.html).

<sup>16</sup> Morgan A. Linn, *Sovereign Citizen Encounters: What Officers Should Know* (Columbus, Ohio: Ohio Attorney General, April 15, 2013).

<sup>17</sup> Dan Swenson, "Violent clashes with sovereign citizens across the U.S.: Interactive map," *Times-Picayune*, October 6, 2012, accessed January 4, 2015, [http://www.nola.com/crime/index.ssf/2012/10/violent\\_clashes\\_with\\_sovereign.html](http://www.nola.com/crime/index.ssf/2012/10/violent_clashes_with_sovereign.html).

<sup>18</sup> Rob Finch and Kory Flowers, "Sovereign Citizens: A Clear and Present Danger," *POLICE Magazine*, September 21, 2012, accessed September 9, 2014, <http://www.policemag.com/Channel/Patrol/Articles/2012/09/Sovereign-Citizens-A-Clear-and-Present-Danger.aspx>.

sovereign citizens engage confounds law enforcement and research efforts to identify the specific type and frequency of threats at issue.

Additionally, many law enforcement officers throughout the United States are in the throes of educating themselves about the sovereign citizen movement. Problematically, however, law enforcement agencies generally do not have harmonized behavior categorization mechanisms or benchmarks. A common language would help the various law enforcement agencies throughout the country to clarify the threats at issue, and assist in identifying what types of threats are increasing, if any.

Miscategorizing individuals as sovereign citizens and overextending the sovereign citizen label are at the root of a number of problems. Overextending the sovereign citizen label makes it difficult to:

- discern if law enforcement education efforts are effectively counteracting sovereign citizen behaviors
- assess if legislative changes are effectively counteracting sovereign citizen-instigated administrative harassment
- determine if the sovereign citizen population is increasing, decreasing, or remaining unchanged
- ascertain whether certain non-violent sovereign citizen behaviors are precursors to violence and if so, how frequently

Ultimately, overextending the sovereign citizen label distorts law enforcement officers' understanding of the movement, potentially negatively impacting both their personal safety and their understanding of how best to protect their communities.

This thesis examines possible reasons why some organizations overuse the term "sovereign citizen." To do so, the thesis discusses various behaviors that sovereign citizens typically undertake, describes activities that the law enforcement community and researchers classify as sovereign citizen-related, and demonstrates the incongruity in some of those attributions. This thesis also explores how various organizations at times incorrectly apply the domestic terrorist label to sovereign citizens, at variance with both state and federal law.

The conclusion of this thesis proposes behavioral markers as a common language for identifying and quantifying anti-government behavior. The conclusion also demonstrates ways in which organizations should apply the markers to better calculate and assess the sovereign citizen movement. The final section explains how the markers better clarify the type of threat at issue (e.g., non-violent behavior versus violent behavior), and how the markers could also serve as benchmarks for measuring the efficacy of law enforcement and legislative counteractive efforts. In turn, the conclusion demonstrates how applying behavioral markers would help gauge the sovereign citizen movement's population increase or decrease.

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## **ACKNOWLEDGMENTS**

With thanks and gratitude to Jeff Snow; Tom Balint, Jr.; and the world's best ingroup: Cohort 1401/02.

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## I. INTRODUCTION: BRENT COLE; CALIFORNIA, 2014

Brent Douglas Cole fired his .44 caliber revolver six times at the two police officers.<sup>1</sup> He struck one officer in the shoulder, while shrapnel hit the second officer's lower right leg.<sup>2</sup> Both officers fired back at Cole, and twice hit their target.<sup>3</sup> The gunfight Cole initiated landed him in a local hospital where he soon learned that California authorities had charged him with two counts each of attempted murder and assault with a firearm upon a peace officer.<sup>4</sup>

Cole had previously made it clear through his online postings that he views himself as a "sovereign American Citizen attempting to thwart the obvious conspiracy and subterfuges of powers inimical to the United States."<sup>5</sup> So when the California Highway Patrol (CHP) and the Bureau of Land Management (BLM) officers appeared in front of him in June 2014, questioning the legality of his South Yuba River campsite and claiming he was in possession of a stolen motorcycle (and that his other one was unregistered), Cole was not open to discussing their claims.<sup>6</sup> As he later explained in court documents, Cole felt the officers "were not engaged in the lawful performance of duties" and he therefore shot at them in self-defense.<sup>7</sup>

Cole had reached his limit with police questioning a few months earlier. In January 2014, a Nevada County (California) sheriff's deputy stopped to help Cole along a

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<sup>1</sup> U.S. Department of Justice, U.S. Attorney's Office, Eastern District of California, "Man Who Shot and Wounded Two Law Enforcement Officers in Nevada County Convicted in Federal Court Trial," news release, February 11, 2015.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Nevada County Sheriff's Office, "Shooting at South Yuba River Campground," news release, June 14, 2014 and Party Charge Information for Brent Douglas Cole, accessed August 12, 2014, <https://eaccess.nevadacountycourts.com/eservices/home.page.2>.

<sup>5</sup> Online profile for Brent D. Cole, *Op Ed News*, accessed January 27, 2015, <http://www.opednews.com/author/comments/author1870.html>.

<sup>6</sup> U.S. Department of Justice, "Man Who Shot and Wounded Two Law Enforcement Officers in Nevada County Convicted in Federal Court Trial."

<sup>7</sup> *Petition for a Writ of Mandamus*, Brent D. Cole v. Sacramento County Jail, No. 2:15-CV-1062 (U.S. Dist. Ct. of E. Cal. May 11, 2015), 5.

highway and noticed two loaded guns in Cole's truck.<sup>8</sup> The deputy's inadvertent discovery led to two misdemeanor charges against Cole for carrying a loaded firearm and having a concealed firearm.<sup>9</sup> State prosecutors offered Cole two years of probation and fines if he pleaded guilty to just one of the charges.<sup>10</sup> Cole refused their offer.<sup>11</sup>

Cole instead declared in May 2014 state court filings that he was the target of a "seditious conspiracy...intended to bring the United States to absolute ruin."<sup>12</sup> He supported his claims with references to the 1787 Northwest Ordinance, fabricated quotes purportedly from federal circuit courts and state courts, a superseded U.S. Supreme Court decision, the British Stamp Act of 1765, maritime law, and the Ordinance of 1784, among others.<sup>13</sup> Cole also requested documentation verifying the oaths of office from the police officers and district attorney involved in his case, as well as verification of the oaths of office from the state legislators who drafted the laws under which he was charged.<sup>14</sup> He also requested the judge recuse herself from the proceedings.<sup>15</sup>

Cole's May 2014 court filings verbosely explained his legal interpretations and their respective applications to his circumstances. He referred to himself in court documents as a "statutory attorney general,"<sup>16</sup> a "natural born, flesh and blood, living breathing man"<sup>17</sup> and a "federal agent in good standing and exempt from this state law."<sup>18</sup> Cole went on to explain that a "private guild" controls the court system and serves

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<sup>8</sup> Kim Minugh, "Nevada County shooting suspect part of 'sovereign citizens' movement," *Sacramento Bee*, June 21, 2014, accessed July 27, 2014, <http://www.sacbee.com/news/local/crime/article2601938.html>.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Answer with Bill of Exceptions*, California v. Brent D. Cole, No. M14-0000388 (May 2014), 5.

<sup>13</sup> *Ibid.*, 2, 5, 9, 10, 15, and 16.

<sup>14</sup> *Cross-Complaint: An Information In The Nature Of Quo Warranto*, California v. Brent D. Cole, No. M14-0000388 (May 2014), 7.

<sup>15</sup> *Motion for Assignment of Judge and Recusal of Linda J. Sloven from this Case*, California v. Brent D. Cole, No. M14-0000388 (May 2014), 2.

<sup>16</sup> *Cross-Complaint: An Information in the Nature of Quo Warranto*, 1.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*, 9.

at the behest of foreign powers.<sup>19</sup> He also asked in his filings that the Nevada County California Superior Court drop the misdemeanor charges against him.<sup>20</sup> Cole further demanded that the sheriff's deputy who discovered his guns pay him \$60,000 for violating his rights and that each legislator "who voted for enactment of the unconstitutional statutes" cited in his arrest pay him \$30,000.<sup>21</sup> Cole would never make it to his state trial dates on the firearms charges however, because federal authorities took him into custody after the June 2014 campsite shooting.<sup>22</sup>

As it turned out, Cole did not need to worry about state authorities pursuing him. Federal prosecutors pursued Cole in federal court, where a jury found Cole guilty in February 2015 of assaulting a federal law enforcement officer (along with assaulting the CHP officer who assisted the federal BLM officer—another federal crime), and discharging a firearm during a crime of violence.<sup>23</sup> During sentencing in August 2015, the federal judge stated, "The defendant has repeatedly demonstrated that he lacks remorse and has no respect for the law...He has a stunning lack of regard for anyone other than himself."<sup>24</sup> The judge then sentenced Cole to twenty-nine years and seven months of incarceration;<sup>25</sup> there is no parole at the federal level. Cole will be roughly 90 years old when released.

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<sup>19</sup> *Answer with Bill of Exceptions*, 5.

<sup>20</sup> *Ibid.*, 17.

<sup>21</sup> *Ibid.*

<sup>22</sup> U.S. Department of Justice, U.S. Attorney's Office, Eastern District of California, "Nevada County Man who Shot Federal, State Officers Charged with Federal Crimes," news release, October 2, 2014.

<sup>23</sup> Denny Walsh, "Man sentenced to prison for shooting ranger, CHP officer," *Sacramento Bee*, August 28, 2015, accessed September 4, 2015, <http://www.sacbee.com/news/local/crime/article32654292.html#storylink=cpy>.

<sup>24</sup> Liz Kellar, "'Sovereign Citizen' Brent Cole sentenced in shootout," *The Union*, August 31, 2015, accessed September 4, 2015, <http://www.theunion.com/news/17922326-113/sovereign-citizen-brent-cole-sentenced-in-shootout#>.

<sup>25</sup> U.S. Department of Justice, U.S. Attorney's Office, Eastern District of California, "Nevada County Man Sentenced to Nearly 30 Years in Prison for Wounding Two Law Enforcement Officers in Gun Battle," news release, August 28, 2015.

## A. COMMON LAW

Brent Cole identifies himself as a sovereign citizen. Generally speaking, the moniker “sovereign citizen” is an umbrella term for individuals who believe they are subject only to “common law” as they interpret it.<sup>26</sup> Common law traditionally refers to the body of law that judges have developed based primarily on prior court decisions, as opposed to statutes that a legislature has drafted.<sup>27</sup> The U.S. judicial system routinely relies on common law to inform its court opinions, thereby providing continuity in rulings.

Many sovereign citizens, however, interpret common law to be pseudo-legal verbiage that works in their favor while simultaneously excluding anything contrary to their goals.<sup>28</sup> Their goals typically include freedom from police traffic stops, court jurisdiction, property laws, and vehicle registration.<sup>29</sup> The sovereign citizen interpretation of common law is a contextomy—that is, a misquoting—of antiquated English law, nineteenth-century American court rulings, ancient treaties, Bible verses, laws from various states, dictionary definitions, admiralty law, and the Constitution, among other references.<sup>30</sup> Sovereign citizens attempt to weave these references together to substantiate their purported freedom from various laws and requirements.

Sovereign citizens are adept at proliferating their common law interpretations. They do so via websites,<sup>31</sup> how to kits,<sup>32</sup> and self-published books.<sup>33</sup> Additionally, some

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<sup>26</sup> “Intro to Common Law,” YouTube video, 2:52:11, posted by “Eldonthian McAllister,” July 2, 2013, <https://www.youtube.com/watch?v=8NwXXRkpYEI> and “The Essence of Common Law,” accessed August 4, 2015, <https://www.1215.org/lawnotes/lawnotes/common-law.htm>.

<sup>27</sup> Merriam-Webster Online, s.v. “common law,” accessed November 13, 2015, <http://www.merriam-webster.com/dictionary/common%20law>.

<sup>28</sup> “Citizenship and Sovereignty,” YouTube video, 6:31:38, posted by “sedm.org,” March 31, 2014, <https://www.youtube.com/watch?v=xMrSiiAqJAU>.

<sup>29</sup> “The truth about the United States, law and YOU!,” YouTube video, 1:39:00, posted by “BarNone11970,” February 5, 2014, [https://www.youtube.com/watch?v=SP9ZKVwiJE&index=16&list=PLzUwdMSZr2iYcC\\_RjfooGsgjuFMukrnbS](https://www.youtube.com/watch?v=SP9ZKVwiJE&index=16&list=PLzUwdMSZr2iYcC_RjfooGsgjuFMukrnbS).

<sup>30</sup> “Erwin Rommel School of Law Official Website,” accessed June 19, 2014, <http://rommellaw.com/> and “Nitty Gritty Law Library,” accessed July 17, 2014, <https://www.1215.org/lawnotes/lawnotes/foundation.htm>.

<sup>31</sup> “Sovereignty,” accessed May 7, 2015, <http://famguardian.org/subjects/freedom/freedom.htm#Sovereignty>.

sovereign citizens travel the country presenting seminars that instruct attendees how to effectuate sovereign citizen practices.<sup>34</sup> A number of sovereign citizens have also established homegrown unaccredited “law schools” that offer in person and online courses.<sup>35</sup> One such school, the Nitty Gritty Law Library, disseminates the following interpretation of common law: “‘Custom and usage since time immemorial’ is generally what is behind the definition of common law. There is no singular source of the common law as one would expect with statutes made by a legislature.”<sup>36</sup> Yet in defending and teaching their purported common law-based belief system, sovereign citizens often cite the very authorities they simultaneously claim are illegitimate.<sup>37</sup>

Their perception of common law has led some sovereign citizens to engage in behavior that conflicts with state and federal law.<sup>38</sup> Illegal behaviors that some sovereign citizens have exhibited when demonstrating their perceived common law-based freedoms include:

- forgery (e.g., of identification documents, license plates, passports)<sup>39</sup>
- impersonation (e.g., of attorneys, diplomats, judges, Native Americans, property owners)<sup>40</sup>

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<sup>32</sup> “Sovereign Citizen-shop,” accessed July 2, 2014, <http://sovereign-citizenship.net/-I9NRY2ficeKM72Jrb=cOBx-/home/store.html>.

<sup>33</sup> “Title 4 Flag Says You’re Schwag!,” accessed June 24, 2014, [http://api.ning.com/files/urcOx8-1tHTPnj-RQzDoBqRm0PyP\\*-87fAyo8hcWhJNn81tEnnryb-TrQYjMPx\\*-6-bKv1HFedtX75FcQuhUK-BCgSA7Tb4D/Title4FlagsaysyoureSchwag.pdf](http://api.ning.com/files/urcOx8-1tHTPnj-RQzDoBqRm0PyP*-87fAyo8hcWhJNn81tEnnryb-TrQYjMPx*-6-bKv1HFedtX75FcQuhUK-BCgSA7Tb4D/Title4FlagsaysyoureSchwag.pdf).

<sup>34</sup> “Jerry Kane Seminar Pt. 1,” YouTube video, 2:03:12, posted by “piknar27,” January 13, 2015, <https://www.youtube.com/watch?v=4ng19aNgbvM>.

<sup>35</sup> “Freedom School,” accessed May 12, 2015, <http://www.freedom-school.com/>.

<sup>36</sup> “The Essence of Common Law.”

<sup>37</sup> “Freedom School.”

<sup>38</sup> Charles Loeser, “From Paper Terrorists to Cop Killers: The Sovereign Citizen Threat,” *North Carolina Law Review*, no. 1106 (2015), 7-8.

<sup>39</sup> U.S. Department of Justice, United States Attorney’s Office, Eastern District Virginia, “Leader of Sovereign Citizen Group Convicted of Causing the Impersonation of Diplomats and Producing False IDs,” news release, August 13, 2014.

<sup>40</sup> “Common Law Office of America,” accessed November 28, 2015, <http://www.usacommonlaw.com/pag-anthony-williams.html>.

- filing harassing legal documents against authority figures (e.g., unsubstantiated property liens, fake indictments, rambling court pleadings)<sup>41</sup>
- passive noncompliance (e.g., failure to pay taxes, failure to register vehicles)<sup>42</sup>
- physical violence against law enforcement officers and other authority figures (e.g., shootings during traffic stops, bombings, threats to kidnap or injure authorities)<sup>43</sup>

## B. PROBLEM STATEMENT AND METHODOLOGY

From some perspectives, however, the spectrum of sovereign citizen-instigated illegalities is even wider. Organizations and researchers sometimes extend the sovereign citizen label to include persons who are not actually sovereign citizens. More specifically, some organizations and researchers at times incorrectly assume that persons who engage in the anti-government authority behaviors listed above are in fact sovereign citizens. This type of overextension and miscategorization skew understanding of sovereign citizens, and any concomitant threat they may present.

When organizations do correctly identify someone as a sovereign citizen, a secondary issue arises, namely, a failure to dissect the sovereign citizen movement's myriad approaches. Two North Carolina law enforcement officers adeptly describe this problem. They state, "[t]he term 'sovereign citizen' should be viewed as an umbrella under which you will find thousands of loosely organized groups or individuals that share one basic ideological principle [e.g., that laws do not apply to them] but approach it

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<sup>41</sup> Joe Green, "'Sovereign Citizen' threatens Vorhees officials over parking tickets, authorities say," *South Jersey Times*, April 8, 2014, accessed November 20, 2015, [http://www.nj.com/camden/index.ssf/2014/04/sovereign\\_citizen\\_follower\\_threatens\\_vorhees\\_officials\\_over\\_tickets\\_authorities\\_say.html](http://www.nj.com/camden/index.ssf/2014/04/sovereign_citizen_follower_threatens_vorhees_officials_over_tickets_authorities_say.html).

<sup>42</sup> Morgan A. Linn, *Sovereign Citizen Encounters: What Officers Should Know* (Columbus, Ohio: Ohio Attorney General, April 15, 2013).

<sup>43</sup> Dan Swenson, "Violent clashes with sovereign citizens across the U.S.: Interactive map," *Times-Picayune*, October 6, 2012, accessed January 4, 2015, [http://www.nola.com/crime/index.ssf/2012/10/violent\\_clashes\\_with\\_sovereign.html](http://www.nola.com/crime/index.ssf/2012/10/violent_clashes_with_sovereign.html).

through different paths.”<sup>44</sup> The failure to delineate the disparate actions in which sovereign citizens engage confounds law enforcement and research efforts to identify the specific type and frequency of threats at issue.

Additionally, many law enforcement officers throughout the United States are in the throes of educating themselves about the sovereign citizen movement. Problematically, however, law enforcement agencies generally do not have harmonized behavior categorization mechanisms or benchmarks. A common language would help the various law enforcement agencies throughout the country to clarify the threats at issue, and assist in identifying what types of threats, if any, are increasing.

Miscategorizing individuals as sovereign citizens and overextending the sovereign citizen label are at the root of a number of problems. Overextending the sovereign citizen label makes it difficult to:

- discern if law enforcement education efforts are effectively counteracting sovereign citizen behaviors
- assess if legislative changes are effectively counteracting sovereign citizen-instigated administrative harassment
- determine if the sovereign citizen population is increasing, decreasing, or remaining unchanged
- ascertain whether certain non-violent sovereign citizen behaviors are precursors to violence and if so, how frequently

Ultimately, overextending the sovereign citizen label distorts law enforcement officers’ understanding of the movement, potentially negatively impacting both their personal safety and their understanding of how best to protect their communities.

This thesis examines possible reasons why some organizations overuse the term “sovereign citizen.” To do so, the following discusses various behaviors that sovereign citizens typically undertake, describes activities that the law enforcement community and researchers classify as sovereign citizen-related, and demonstrates the incongruity in

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<sup>44</sup> Rob Finch and Kory Flowers, “Sovereign Citizens: A Clear and Present Danger,” *POLICE Magazine*, September 21, 2012, accessed September 9, 2014, <http://www.policemag.com/Channel/Patrol/Articles/2012/09/Sovereign-Citizens-A-Clear-and-Present-Danger.aspx>.

some of those attributions. This thesis also explores how various organizations at times incorrectly apply the domestic terrorist label to sovereign citizens, at variance with both state and federal law.

The conclusion of this thesis proposes behavioral markers as a common language for identifying and quantifying anti-government behavior. The conclusion also demonstrates ways in which organizations should apply the markers to better calculate and assess the sovereign citizen movement. The final section explains how the markers better clarify the type of threat at issue (e.g., non-violent behavior versus violent behavior), and how the markers could also serve as benchmarks for measuring the efficacy of law enforcement and legislative counteractive efforts. In turn, the conclusion demonstrates how applying behavioral markers would help gauge the sovereign citizen movement's population increase or decrease.

### **C. LITERATURE REVIEW**

As the introduction outlines, Brent Cole refers to himself as a “sovereign American Citizen”<sup>45</sup> and insists his status means laws do not apply to him.<sup>46</sup> This mindset, to which Cole and other adherents of the sovereign citizen movement subscribe, is part of the reason why then-U.S. Attorney General Eric H. Holder, Jr. reestablished the Domestic Terrorism Executive Committee within the U.S. Department of Justice (DOJ) in June 2014, just eleven days before Cole<sup>47</sup> took aim at the CHP and BLM officers.<sup>48</sup> In re-establishing this committee, Holder emphasized the nation's need to balance threats originating from outside the United States with those emanating from inside.<sup>49</sup> Holder stressed, “[W]e...must concern ourselves with the continued danger we face from

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<sup>45</sup> *OpEd News*, online profile for Brent D. Cole.

<sup>46</sup> *Answer with Bill of Exceptions*, 1.

<sup>47</sup> Despite the prophetic timing, I found no indication Cole was aware of Holder's initiative.

<sup>48</sup> U.S. Department of Justice, “Statement by Attorney General Holder on Reestablishment of Committee on Domestic Terrorism,” news release, June 3, 2014.

<sup>49</sup> *Ibid.*

individuals within our own borders who may be motivated by a variety of other causes from anti-government animus to racial prejudice.”<sup>50</sup>

The DOJ took things a step further in October 2015. Assistant Attorney General John P. Carlin announced the creation of a new terrorism prevention role: domestic terrorism counsel.<sup>51</sup> The new counsel assists in tracking domestic terrorism patterns and identifying legally problematic issues that arise in pursuing those engaged in domestic terrorism.<sup>52</sup> Carlin expressed concern about “anti-government views triggering violence throughout America,” specifically, persons who believe they do not “have to answer to any governmental authority” and therefore “sometimes resort to violence.”<sup>53</sup>

These actions and statements highlight the DOJ’s prevailing view that individuals who hold “anti-government views” and engage in violence toward authorities are domestic terrorists. Whether this classification is appropriate—or legally sustainable—is debatable. The gap between perceived threats and current legal definitions underlies the conflicting terminology that many law enforcement agencies and researchers use when discussing the sovereign citizen movement.

Researchers in both the public and private sectors have published guidance and warnings about the sovereign citizen movement. Some of this research, however, fails to clarify the connection, if any, between the violent sovereign citizen behavior it forewarns and the administrative illegalities it actually discusses. The resultant literature may therefore be contributing to confusion about the sovereign citizen movement.

For example, the U.S. Department of Housing and Urban Development (HUD) Office of Inspector General issued a training bulletin in 2015 to protect contractors, real

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<sup>50</sup> Ibid.

<sup>51</sup> U.S. Department of Justice, “Assistant Attorney General John P. Carlin Delivers Remarks on Domestic Terrorism at an Event Co-Sponsored by the Southern Poverty Law Center and the George Washington University Center for Cyber and Homeland Security’s Program on Extremism,” October 14, 2015, accessed October 16, 2015, <http://www.justice.gov/opa/speech/assistant-attorney-general-john-p-carlin-delivers-remarks-domestic-terrorism-event-co>.

<sup>52</sup> Ellen Nakashima, “Domestic extremists have killed more Americans than jihadists since 9/11. How the government is responding,” *Washington Post*, October 15, 2015, accessed October 17, 2015, <https://www.washingtonpost.com/news/post-nation/wp/2015/10/15/how-the-justice-department-is-stepping-up-its-response-to-domestic-extremists/>.

<sup>53</sup> Ibid.

estate agents, and other property administrators from sovereign citizen-instigated behavior.<sup>54</sup> The report warns that HUD staff “engaging in a verbal argument with these [sovereign citizen] individuals could spiral into a violent confrontation.”<sup>55</sup> The report however presents no examples of sovereign citizens who have violently targeted or threatened HUD staff and related property managers.

The HUD report instead focuses on sovereign citizens who engage in non-violent behaviors, such as property fraud and trespassing.<sup>56</sup> The report discusses sovereign citizens who are “illegally occupying HUD properties, [and] also improperly deeding HUD-owned properties to themselves.”<sup>57</sup> HUD explains, “sovereign citizens have begun participating in the HUD subsidized Section 8 Housing Choice Voucher program as landlords, using properties that they do not own. They provide fraudulent deeds to housing authorities to establish ownership rights so they can participate as a landlord.”<sup>58</sup> While these types of activities are legally problematic, the report does not delineate whether or how often fraudulent property deeds are precursors to sovereign citizen-instigated violence directed toward HUD staff. The report also does not clarify what types of physical threats are, or have been, at issue for HUD staff who interact with sovereign citizens.

The National Association of Secretaries of State (NASS) also recognizes difficulties stemming from the sovereign citizen movement. A 2014 NASS report quotes the Federal Bureau of Investigation’s stance that the sovereign citizen movement comprises a domestic terrorist threat,<sup>59</sup> yet fails to identify any sovereign citizen-related terrorist activity. Instead, the NASS report highlights administrative harassment that

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<sup>54</sup> U.S. Department of Housing and Urban Development, Office of Inspector General, *Attention HUD REO Contractors, Property Inspectors, Section 8 Administrators, and Realtors: Watch out: Sovereign Citizen Scams* (Washington, D.C.: U.S. Department of Housing and Urban Development, Spring 2015).

<sup>55</sup> *Ibid.*, 2.

<sup>56</sup> *Ibid.*, 2-3.

<sup>57</sup> *Ibid.*, 1.

<sup>58</sup> *Ibid.*, 2.

<sup>59</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Uniform Commercial Code (UCC) Filings* (Washington, D.C.: National Association of Secretaries of State, April 2014), 4.

sovereign citizens commonly perpetrate. The report notes, “[F]inancing statements with no legitimate basis...are a persistent problem for state filing offices and the individuals targeted by these spurious claims.”<sup>60</sup> The report explains that anti-government groups, including sovereign citizens, use these methods as retaliation against public officials and others involved in perceived injustices.<sup>61</sup>

The NASS report goes on to say that sovereign citizens file bogus financing statements and real property liens in retaliation against persons who impede sovereign citizen attempts to evade the law.<sup>62</sup> Common government authority targets include judges, prosecutors, and public defenders.<sup>63</sup> Sovereign citizens also target non-governmental employees via this method. For example, bank employees have faced false lien-related retaliation for their legitimate involvement in home foreclosures.<sup>64</sup> Victims of this type of retaliation may not realize they are targeted until they attempt to buy or sell property, or apply for credit.<sup>65</sup> Worsening the initial damage is the fact that removing these types of bogus filings can take considerable time.<sup>66</sup>

Similar to the HUD report, the NASS report does not address whether sovereign citizen-instigated fraudulent filings are a typical precursor to sovereign citizen-instigated violence. The report instead highlights three types of bogus administrative filings that sovereign citizens commonly submit to their respective secretaries of state and staff members.<sup>67</sup> From the government’s perspective, sovereign citizens make these types of fraudulent filings to harass government officials via unsubstantiated property liens, to access money the government has purportedly stolen from them, and to authenticate false financial documents as a means of perpetrating further scams.<sup>68</sup>

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<sup>60</sup> Ibid., 3.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid., 5.

<sup>64</sup> Ibid., 4.

<sup>65</sup> Ibid., 5.

<sup>66</sup> Ibid., 3.

<sup>67</sup> Ibid., 4-5.

<sup>68</sup> Ibid.

The NASS report explains that harassment filings typically allege that a victim owes large sums of money to the sovereign citizen filer, usually in the form of a real property lien.<sup>69</sup> For example, the DOJ reports that Texas resident Tyrone Eugene Jordan received ten years in federal prison for filing false liens against a federal judge and prosecutor.<sup>70</sup> The DOJ describes Jordan as a sovereign citizen who filed retaliatory liens against the judge and prosecutor for their roles in his previous money laundering and alien smuggling convictions.<sup>71</sup> One of Jordan’s fraudulent lien filings claimed the prosecutor owed him \$6,534,500.<sup>72</sup> Jordan also reportedly filed two additional fraudulent documents with the Harris County (Texas) Clerk’s Office Real Property Department, claiming that the judge and prosecutor were lien debtors to him.<sup>73</sup> A federal jury found all of Jordan’s lien filings to be fraudulent.<sup>74</sup>

Second, the NASS report also warns readers about so-called “strawman” filings.<sup>75</sup> A March 2013 DOJ bulletin explains that the “specific details of the scheme vary,” but the general strawman theory revolves around the gold standard’s role in the American economy.<sup>76</sup> The bulletin notes that some sovereign citizens believe that “when the United States went off the gold standard in 1933, the Government used citizen birth certificates to collateralize paper money by creating a fictitious strawman identity in the name of each United States citizen.”<sup>77</sup> Furthermore, the bulletin says, “[t]he strawman identity is signified by using all capital letters when spelling a person’s name, such as in a federal

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<sup>69</sup> Ibid., 5.

<sup>70</sup> Department of Justice, U. S. Attorney’s Office, Western District of Texas, “Sovereign Citizen Sentenced to Ten Years in Federal Prison for Retaliating Against a Federal Judge and Prosecutor,” news release, December 4, 2015.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Uniform Commercial Code (UCC) Filings*, 5.

<sup>76</sup> Jen E. Ilho and Erin B. Pulice, U.S. Department of Justice, Executive Office for United States Attorneys, *Tax Enforcement I*, “Prosecuting Tax Defier and Sovereign Citizen Cases—Frequently Asked Questions,” March 2013, Vol. 61, No. 2, 49.

<sup>77</sup> Ibid.

indictment. The value of one's birth certificate is held in the person's strawman identity by the Treasury Department in a Treasury Direct Account and the strawman account purportedly can be 'redeemed' and used to pay tax and other debts, purchase homes, vehicles, and so on."<sup>78</sup> One sovereign citizen website alleges,

We were never told that government (the United States) was a corporation, a fictitious 'person'. We were never told that government had quietly, almost secretly, created a shadow, a STRAW MAN (STRAWMAN) for each & every AMERICAN, so that government could not only 'control' the people, but also raise an almost unlimited amount of revenue - so it could continue not just to exist, but to GROW. We were never told that when government deals with the STRAW MAN (STRAWMAN) it is not dealing with real, living, men & women. We were never told, openly & clearly with full disclosure of all the facts, that since June 5, 1933, we have been unable to pay our debts. We were never told that we had been pledged (& our children, & their children, & their children, & on & on) as collateral, mere chattel, for the debt created by government officials who committed treason in doing so.<sup>79</sup>

Fraudulent strawman filings relate to what sovereign citizens call the "redemption theory." Roger Elvick, the purported father of the theory, posits that individuals can collect the \$630,000 the U.S. government has supposedly hidden in proxy accounts by filing certain paperwork.<sup>80</sup> This theory is false, yet it remains an active part of the sovereign citizen belief system. Many websites claim to educate readers about how to reclaim these funds.<sup>81</sup>

Third, the NASS report points out that some sovereign citizens file false financial documents with secretaries of state in an attempt to "mislead third parties."<sup>82</sup> These types of documents often include official looking stamps, unusual signatures, and pseudo-legal language.<sup>83</sup> The stamps, signatures, and language are meaningless, but sovereign citizen

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> "Understanding My 'Straw Man' and The 'Redemption In Law' Process," accessed February 11, 2016, <http://www.cyberclass.net/strawman.htm>.

<sup>81</sup> Here is one example: <https://exodus200.wordpress.com/referral-information/>.

<sup>82</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Uniform Commercial Code (UCC) Filings*, 5.

<sup>83</sup> Ibid., 4.

ideology proponents continue to use them as verification documents for other fraudulent financial transactions.<sup>84</sup>

The NASS report does not address whether these sovereign citizen-instigated fraudulent filings are typical precursors to sovereign citizen-instigated violence.<sup>85</sup> The report is silent on whether sovereign citizens are violently targeting secretaries of state and their staff, or explain what (if any) types of sovereign citizen-instigated violence have occurred in relation to secretaries of state. The report also does not state the frequency with which these administrative behaviors are precursors to violent sovereign citizen behaviors. These omissions are at odds with the report's allusion to domestic terrorism.

If the NASS report's authors predicate their physical threat concerns on a California employee's reported experience, their concerns may be misguided. Karen Mathews, a former elected California county clerk responsible for overseeing lien filings, outlines her purported violent encounter with sovereign citizens in her 2014 book, *The Terrorist in my Garage: Fighting Terrorism on the Homefront*.<sup>86</sup> Mathews's book describes how sovereign citizens allegedly brutally assaulted her in 1994 in response to her refusal to accept their fraudulent lien filings. Mathews also wrote about the incident in the *New York Times* in 2010. In that article, she claimed that "clerk-recorders in 49 of [California's] 58 counties have reported incidents ranging from fist-pounding intimidation to threats of physical harm," although she did not clarify whether or how many of those incidents were sovereign citizen-related.<sup>87</sup>

Mathews claims armed sovereign citizens broke into her home in January 1994, when she was serving as Stanislaus County (California) clerk.<sup>88</sup> The men reportedly

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<sup>84</sup> Lorelei Laird, "Sovereign Citizens Plaster Courts with Bogus Legal Filings," *ABA Journal*, May 1, 2014.

<sup>85</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Uniform Commercial Code (UCC) Filings*.

<sup>86</sup> Karen Mathews, *The Terrorist in My Garage: Fighting Terrorism on the Homefront* (San Diego: The Sager Group, 2014).

<sup>87</sup> Karen Mathews, "June 1, 1997: The Terrorist Next Door," *New York Times*, September 25, 2010, accessed June 7, 2015, [http://www.nytimes.com/2010/09/26/opinion/etc-mathews.html?\\_r=0](http://www.nytimes.com/2010/09/26/opinion/etc-mathews.html?_r=0).

<sup>88</sup> Garth Stapley, "Ex-Stanislaus County official tells of sexual assault in new book," *Modesto Bee*, July 14, 2015, accessed March 17, 2016, <http://www.modbee.com/news/local/crime/article3168129.html>.

knifed her, fired an unloaded pistol at her head four times, and sexually assaulted her.<sup>89</sup> Mathews states one intruder told her, “You are guilty of treason. I am a sovereign citizen of the Republic of California, not the corporate United States, and the laws you enforce restrict my God-given rights.”<sup>90</sup> Mathews further states she received threatening phone calls and found a fake bomb under her vehicle.<sup>91</sup> She received a package containing a single bullet and a note saying a second bullet would be “DIRECTED AT YOUR HEAD” [sic] if she continued to resist their false lien filing demands, she asserts.<sup>92</sup> Mathews also claims sovereign citizens perpetrated these assaults because she “refused to record illegal documents brought to her office by tax protesters, or to remove a \$416,000 IRS property tax lien against them.”<sup>93</sup> Roger Steiner was convicted of the 1994 garage attack and spent 19 years in prison after Mathews identified him as the man who attacked her. Steiner has repeatedly denied any involvement in the attack.<sup>94</sup>

The alleged Mathews attack appears to exemplify the type of physical threat the NASS report authors fear. Yet in 2015, federal authorities began questioning Mathews’s truthfulness about the 1994 incidents.<sup>95</sup> Mathews claimed in 2013 and 2014 that she received death threats during her run for Congressional office, around the time Steiner was released from prison in early 2014.<sup>96</sup> During a subsequent Federal Bureau of Investigation (FBI) inquiry, Mathews failed a polygraph test and eventually acknowledged she had fabricated the 2013 and 2014 death threats.<sup>97</sup> As of early 2016, Mathews was awaiting trial for lying to federal investigators.<sup>98</sup>

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<sup>89</sup> Ibid.

<sup>90</sup> Mathews, “June 1, 1997: The Terrorist Next Door.”

<sup>91</sup> Stapley, “Ex-Stanislaus County official tells of sexual assault in new book.”

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Garth Stapley, “Investigations continue in former Stanislaus official’s death threats case,” *The Modesto Bee*, January 30, 2016, accessed March 22, 2016, <http://www.modbee.com/news/article57512988.html>.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Stapley, “Former co-workers surprised, saddened over Mathews Davis arrest,” *Modesto Bee*, October 29, 2015, accessed March 24, 2016, <http://www.modbee.com/news/article41887614.html>.

<sup>98</sup> Stapley, “Investigations continue in former Stanislaus official’s death threats case.”

Regardless of the status of Mathews’s claims, the FBI notes that false filings bog down the country’s court systems.<sup>99</sup> A 2011 FBI report explains, “these [false filing] activities create a voluminous influx of documents that clog the courts and other government agencies.”<sup>100</sup> Yet administrative harassment is very different from the violent or domestic terrorism-related concerns the HUD or NASS reports purport to warn against.

The FBI also routinely applies the descriptor “domestic terrorist movement” to the sovereign citizen movement.<sup>101</sup> The FBI depicts sovereign citizens as “anti-government extremists who believe that even though they physically reside in this country, they are separate or ‘sovereign’ from the United States. As a result, they do not accept any government authority, including courts, taxing entities, motor vehicle departments, or law enforcement.”<sup>102</sup> Yet this description is not entirely correct. Not accepting “any government authority” inaccurately describes those individuals who, for example, maintain sovereign citizen-oriented beliefs—protected by the First Amendment from governmental interference—while concurrently paying taxes or complying with driver licensing requirements, among other legally compliant behaviors.

FBI literature is, however, arguably more on point when it explains the sovereign citizen movement is not a cohesive, organized group. Sovereign citizens “operate as individuals without established leadership and only come together in loosely affiliated groups to train, help each other with paperwork, or socialize and talk about their ideology.”<sup>103</sup> Websites, road shows, and self-styled unaccredited law schools help

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<sup>99</sup> Federal Bureau of Investigation, “Sovereign Citizens: A Growing Domestic Threat to Law Enforcement,” September 2011, accessed July 17, 2014, <https://leb.fbi.gov/2011/september/sovereign-citizens-a-growing-domestic-threat-to-law-enforcement>.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Federal Bureau of Investigation, “Domestic Terrorism: The Sovereign Citizen Movement,” April 13, 2010, accessed July 27, 2014, [https://www.fbi.gov/news/stories/2010/april/sovereigncitizens\\_041310/domestic-terrorism-the-sovereign-citizen-movement](https://www.fbi.gov/news/stories/2010/april/sovereigncitizens_041310/domestic-terrorism-the-sovereign-citizen-movement).

<sup>103</sup> Federal Bureau of Investigation, “Sovereign Citizens: A Growing Domestic Threat to Law Enforcement.”

sovereign citizens encourage and assist new and longstanding adherents.<sup>104</sup> Sovereign citizens also frequently post materials on the internet that demonstrate their defiant courtroom behaviors, homegrown educational courses, and heated interactions with law enforcement officers.

Local law enforcement officers also appear to have latched onto the terrorism label, despite the label's questionable alignment with their respective state terrorism laws. For example, a July 2014 University of Maryland survey (the "START study") indicates 86 percent of 364 law enforcement respondents from throughout the United States believe sovereign citizens are "a serious terrorist threat" within the country.<sup>105</sup> Importantly, however, the survey does not state if the survey participants base their opinions on their respective state's legal terrorism definitions, or if participants interpreted the term "terrorist" in a more colloquial, non-legally defined sense.<sup>106</sup>

In response to this perceived domestic terrorist threat, police departments nationwide educate their officers about the sovereign citizen movement in order to cultivate safe law enforcement interactions with sovereign citizens.<sup>107</sup> "Don't discount or ignore these people," says Bob Paudert, chief of the West Memphis (Arkansas) police department and father of a police officer killed by sovereign citizens in 2010.<sup>108</sup> Sovereign citizens are "willing to kill and be killed for their beliefs. We as law enforcement officers need to recognize this very real threat so we can protect ourselves,"

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<sup>104</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement* (New York: Anti-Defamation League, 2012), 6.

<sup>105</sup> 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 (College Park, Maryland: Study of Terrorism and Responses to Terrorism [START], 2014).

<sup>106</sup> *Ibid.*, 7.

<sup>107</sup> David Zucchini, "Police teach tactics for handling 'sovereign citizens,'" *Los Angeles Times*, April 5, 2013, accessed January 16, 2015, <http://articles.latimes.com/2013/apr/05/nation/la-na-sovereigns-20130406>.

<sup>108</sup> Southern Poverty Law Center, *Sovereign Citizens and Law Enforcement: Understanding the Threat*, video, 12:24, <https://www.splcenter.org/fighting-hate/law-enforcement-resources>.

he says.<sup>109</sup> Paudert consequently emphasizes the need for law enforcement officers to learn about common sovereign citizen beliefs, visual cues, and speech patterns.<sup>110</sup>

Yet a broad characterization of sovereign citizens as “willing to kill and be killed for their beliefs” is inapplicable to some, or possibly many, sovereign citizens. At least two points work against an expansive characterization of this type. Primarily, not all sovereign citizens exhibit violent behavior; some are solely involved in administrative harassment to retaliate against government authorities, as the HUD and NASS reports show.<sup>111</sup> Additionally, some organizations miscategorize individuals who exhibit violence toward authorities as sovereign citizens, when those individuals in fact do not subscribe to the ideology at all.<sup>112</sup> Third, this broad characterization appears not to account for individuals who exercise their First Amendment right to say they are sovereign citizens, while simultaneously refraining from acting out against governmental authority.

Non-government researchers, much like the law enforcement community, emphasize the urgent need to quell the sovereign citizen movement. Refraining from categorizing sovereign citizens as terrorists, the Anti-Defamation League (ADL) nonetheless asserted in 2012 that sovereign citizen-instigated violence and administrative harassment will progressively impact more authority figures.<sup>113</sup> A 2012 ADL report claims, “If the movement’s growth is allowed to continue unchecked, further acts of violence are inevitable, putting government officials, law enforcement officers, and private citizens all at risk. An even larger number of people will fall victim to sovereign citizen acts of harassment and intimidation, as well as to their frauds and scams.”<sup>114</sup>

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<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 26-31.

<sup>112</sup> This thesis addresses miscategorization in more detail in later sections (i.e., the Dennis Marx and Jerad and Amanda Miller cases).

<sup>113</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 2.

<sup>114</sup> Ibid.

The 2012 ADL report presents several unsubstantiated predictions. The report does not identify what factors are propelling the alleged inevitable escalation of sovereign citizen-instigated violence.<sup>115</sup> The report also falls short in defining the basis for the ADL’s prognostication that “even larger numbers of people” will fall prey to sovereign citizen-instigated administrative harassment.<sup>116</sup> On an objective level, the report does not explain the base criteria the ADL uses to categorize an individual as a sovereign citizen, nor does the ADL report present any predictive analysis and concomitant metrics to substantiate its claims of an inevitable violent escalation.<sup>117</sup>

Similarly, a 2011 FBI report also asserts the domestic sovereign citizen threat will increase.<sup>118</sup> Unlike the ADL report, however, the FBI presents some reasoning for its prediction in this regard, albeit without presenting any research-based analysis or disclosing metrics to support its assertion. The FBI report claims,

The sovereign-citizen threat likely will grow as the nationwide movement is fueled by the Internet, the economic downturn, and seminars held across the country that spread their ideology and show people how they can tap into funds and eliminate debt through fraudulent methods. As sovereign citizens’ numbers grow, so do the chances of contact with law enforcement and, thus, the risks that incidents will end in violence.<sup>119</sup>

The report is silent on exactly how the internet, economic downturn, and seminars translate into an increase in the sovereign citizen population. The report also does not clarify if this prediction accounts for the impact of updated laws and law enforcement education that attempt to hinder sovereign citizen behavior.

In any case, the U.S. Department of Homeland Security (DHS) disagrees with the FBI’s and ADL’s predictions of increased sovereign citizen-related violence. A 2015 DHS report contends that “most sovereign citizens are non-violent” and consequently

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<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Federal Bureau of Investigation, “Sovereign Citizens: A Growing Domestic Threat to Law Enforcement.”

<sup>119</sup> Ibid.

differentiates between “sovereign citizens” and “sovereign citizen extremists.”<sup>120</sup> DHS defines “sovereign citizen extremists” as “groups or individuals who facilitate or engage in acts of violence directed at public officials, financial institutions, and government facilities in support of their belief that the legitimacy of U.S. citizenship should be rejected.”<sup>121</sup> The report notes that DHS analysts “have high confidence...that most [sovereign citizen extremist] violence over the next year will remain at the same sporadic level.”<sup>122</sup>

These publications and viewpoints demonstrate a wide-ranging and, at times, incongruent understanding of sovereign citizens and the threats they may pose. The confusion may stem in part from the sovereign citizens themselves, who arrived at their current state through the selective cobbling together of other groups’ history and activities. Additional confusion about how to identify and categorize sovereign citizens may also stem in part from attempts to clarify what is (and what is not) defined as terrorism in a post-September 11 world.

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<sup>120</sup> U.S. Department of Homeland Security, Office of Intelligence and Analysis, *Sovereign Citizen Extremist Ideology Will Drive Violence at Home, During Travel, and at Government Facilities*, IA 0105-15 (Washington, D.C.: U.S. Department of Homeland Security, February 5, 2015), 1.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid., 5.

## II. ORIGINS AND OVERVIEW

Sovereign citizenship is arguably not a particularly novel or creative movement. The movement borrows liberally from the Posse Comitatus, the American militia, and other separatist belief systems. One sovereign citizenship variation takes its name and ideology from an American Islamic organization that repudiates ties to sovereign citizenry.<sup>123</sup> In general, those who subscribe to sovereign citizen ideology tend to borrow liberally from existent movements, repackaging various strands under a new title.

### A. THE POSSE COMITATUS

Sovereign citizens pluck much of their belief system and tactics from the Posse Comitatus, an American anti-government movement that hit its peak during the American farm crisis in the 1970s and 1980s.<sup>124</sup> Sovereign citizens today mimic many of the anti-authority actions and beliefs the Posse Comitatus's adherents fostered. These actions include refusal to pay taxes, a stated demand for the country's return to the gold standard, failure to comply with state driver licensing and vehicle registration requirements, and harassment of perceived government enemies via baseless lawsuits and garbled court filings.<sup>125</sup> Brent Cole, as described in the introduction to this thesis, counted the vehicle registration omission and garbled court filings among his methods.<sup>126</sup>

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<sup>123</sup> "Moorish Science Temple of America, Inc.," accessed June 26, 2016, <http://www.moorishsciencetempleofamericainc.org/about.html>.

<sup>124</sup> Anti-Defamation League, "Sovereign Citizen Movement."

<sup>125</sup> Loeser, "From Paper Terrorists to Cop Killers: The Sovereign Citizen Threat," 7-8.

<sup>126</sup> U.S. Department of Justice, U.S. Attorney's Office, Eastern District of California, "Nevada County Man Sentenced to Nearly 30 Years in Prison for Wounding Two Law Enforcement Officers in Gun Battle," news release, August 28, 2015.

The Posse Comitatus, a term that roughly translates to “power of the county,”<sup>127</sup> references an archaic English law enforcement custom. An English law known as the Sheriff’s Act of 1887 later embodied the custom.<sup>128</sup> The Act, which the English legislature amended in 1967 to eliminate the following section,<sup>129</sup> originally mandated, “Every person in a county shall be ready and apparelled [sic] at the command of the sheriff and at the cry of the country to arrest a felon[.]”<sup>130</sup> The law authorized local sheriffs to organize bands of citizens to assist with arresting “felons,” which at the time simply meant persons whom the sheriff determined had committed a serious crime.<sup>131</sup>

American extremists resurrected and permuted this defunct English legal clause for their own purposes in the early 1970s. William Potter Gale, the founding father of the contemporary American version of the Posse Comitatus movement, wrote that “the Governors and Legislatures of the Sovereign States have failed to repudiate the [federal government’s] unlawful acts[.]”<sup>132</sup> In Gale’s view, Americans were therefore duty-bound to organize a “posse” to counteract the federal government’s perceived illegalities.<sup>133</sup>

Gale’s extrapolation, however, of the original posse comitatus tradition is distorted. The original English posse comitatus law codified the custom of local sheriffs drumming up civilian assistance for arresting criminals.<sup>134</sup> Gale shifted the meaning to describe a plan in which non-law enforcement individuals would have the right to pursue persons the individuals determined—not whom the sheriff determined—to be criminals. The criminals at issue in Gale’s view were members of the federal legislature and the judiciary, whom Gale claimed were disregarding the Constitution.<sup>135</sup> Despite this

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<sup>127</sup> Daniel Levitas, *The Terrorist Next Door* (New York: St. Martin’s Press, 2002), 2.

<sup>128</sup> This law later formed the basis for the U.S. Posse Comitatus Act, which restricts use of the U.S. Army and Air Force as a police force in the U.S., with some exceptions (18 U.S.C. 1385).

<sup>129</sup> Sheriffs Act, 1887, 50 & 51 Vict., c. 55.

<sup>130</sup> Criminal Law Act, 1967, c. 58.

<sup>131</sup> Ibid.

<sup>132</sup> Levitas, *The Terrorist Next Door*, 108.

<sup>133</sup> Ibid.

<sup>134</sup> Britannica online, s.v. “posse comitatus,” accessed June 17, 2014, <http://www.britannica.com/topic/posse-comitatus>.

<sup>135</sup> Levitas, *The Terrorist Next Door*, 1.

misconstruction, Gale’s interpretations and recommendations form the cornerstone of the American-styled Posse Comitatus, and in turn, the sovereign citizen belief system.<sup>136</sup>

As Joel Dyer explains in his 1997 book *Harvest of Rage: Why Oklahoma City is Only the Beginning*, the Posse Comitatus seized on American farmers’ anger about increasing interest rates and subsequent farm foreclosures in the 1970s and 1980s.<sup>137</sup> This frustration provided an inlet for ideologies promoting circumvention of perceived federal government control through tax evasion, citizenship renunciation, and homegrown “common law” courts targeting government authorities, among other anti-government behaviors and viewpoints.<sup>138</sup> Dyer writes,

Anti-government behavior in rural America is becoming increasingly tied to the idea of sovereignty of the individual—the belief that citizens can take certain steps to legally remove themselves from the authority of the current federal government. The idea is that if the federal government won’t help rural America, then rural American will simply govern itself by ignoring federal authority.<sup>139</sup>

Ignoring government authority is precisely what Posse Comitatus adherents did, laying the groundwork for sovereign citizen ideology. According to Dyer, the Posse Comitatus

was the first of the anti-government groups to incorporate common-law courts into its structure. Posse Comitatus members based their common-law philosophy on a combination of the old English common law, the Magna Carta, and the belief that people are born with certain God-given rights.<sup>140</sup>

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<sup>136</sup> Daryl Johnson, *Right Wing Resurgence: How a Domestic Terrorist Threat is Being Ignored* (Lanham, Maryland: Rowman & Littlefield Publishers, Ltd., 2012), 66.

<sup>137</sup> Joel Dyer, *Harvest of Rage: Why Oklahoma City is Only the Beginning* (Boulder, Colorado: Westview Press, 1997), 11-26.

<sup>138</sup> *Ibid.*, 11-44.

<sup>139</sup> *Ibid.*, 174.

<sup>140</sup> *Ibid.*, 173.

The sovereign citizen movement adopted this common law interpretation, as well as the Posse Comitatus penchant for filing false property liens as retaliation against authority figures who disagreed with them.<sup>141</sup>

### 1. Sovereign Citizens and Race

The sovereign citizen movement did away with one major component of the Posse Comitatus worldview, however. Sovereign citizen ideology is curiously devoid of the Posse Comitatus's rampant racism, for the most part.<sup>142</sup> Gale was a virulent racist and a self-appointed minister within the Christian Identity movement, which advocates a white supremacist interpretation of Christianity. Gale believed, "Anglo-Saxon Christians were the true descendants of the Lost Tribe of Israel to whom God's covenant belonged. Jews were children of the devil, and the nonwhites that swarmed the planet were 'mud people.'"<sup>143</sup> Gale was a prolific purveyor of this viewpoint, producing Christian-based racist essays<sup>144</sup> and vituperative radio broadcasts, which he tacked onto the Posse Comitatus worldview and integrated as justification for anti-government behavior.<sup>145</sup>

Sovereign citizens, on the other hand, are fairly culturally, religiously, and racially diverse.<sup>146</sup> Sovereign citizens' blind eye toward their racist Posse Comitatus

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<sup>141</sup> Ibid., 176.

<sup>142</sup> Judy L. Thomas, "Sovereign citizens now consist of all colors and creeds," *Kansas City Star*, August 29, 2015, accessed December 20, 2015, <http://www.kansascity.com/news/politics-government/article32759247.html>.

<sup>143</sup> Levitas, *The Terrorist Next Door*, 2.

<sup>144</sup> Rev. William P. Gale, "Covenant People's Forums," accessed January 4, 2016, <http://covenantpeoplesministry.org/forum/list.php?category/106-Rev-William-P-Gale>.

<sup>145</sup> Levitas, *The Terrorist Next Door*, 1-2.

<sup>146</sup> Despite this multiculturalism, sovereign citizens who act on anti-ethnic views do exist. For example, police arrested a self-described sovereign citizen in Colorado after he allegedly mailed suspicious white powder to a Jewish synagogue and community center. See Phil Tenser and Jaclyn Allen, "Jeffrey Klinkel arrested for white powder hoax sent to Boulder synagogue and Jewish Community Center," *7 News and The Denver Channel*, May 8, 2015, accessed December 14, 2015, <http://www.thedenverchannel.com/news/local-news/jeffrey-klinkel-arrested-for-white-powder-hoax-sent-to-boulder-synagogue-and-jewish-community-center05082015>.

origins mirrors the manner in which they typically cherry-pick their applicable legal landscape. Law enforcement officers have arrested purported sovereign citizens who are native Hawaiian,<sup>147</sup> African American,<sup>148</sup> Hispanic,<sup>149</sup> and Asian American.<sup>150</sup>

One major race-related angle to the sovereign citizen movement is that of so-called Moorish sovereign citizens. This particular version of sovereign citizenship typically consists of African Americans who incorrectly believe that a 1787 treaty between the United States and Morocco recognizes their indigenous rights, including an exemption from U.S. law.<sup>151</sup> For example, one Moor-drafted document entitled “Judicial Notice and Proclamation,” contains pseudo-legal jibberish that purports to explain the basis for Moorish sovereignty and freedom from state and federal law. The proclamation says,

To All Elected United States Republic Officials and Public Servants of Federal, State, City, and Municipal Governments, Personnel and Corporate Entities: Concerning the Constitution and all Statutory and Civil Law Codes of the Land, etc. ...The Free Moors / Muurs, by Freehold Inheritance, retain all Substantive Rights and Immunities; enjoy the exercising of Substantive Rights, and operate upon consummated, Right-Law, Isonomi - Principles; having vested Constitution - secured Rights

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<sup>147</sup> Peter Boylan, “FBI targets bond scam,” *Honolulu Advertiser*, May 31, 2009, accessed December 12, 2015, <http://the.honoluluadvertiser.com/article/2009/May/31/ln/hawaii905310361.html>.

<sup>148</sup> Dan Morse, “‘Moorish American national’ charged with trying to take mansion,” *The Washington Post*, March 18, 2013, accessed June 17, 2014, [https://www.washingtonpost.com/local/moorish-american-national-charged-with-trying-to-take-mansion/2013/03/18/b6d4524c-6ece-11e2-aa58-243de81040ba\\_story.html](https://www.washingtonpost.com/local/moorish-american-national-charged-with-trying-to-take-mansion/2013/03/18/b6d4524c-6ece-11e2-aa58-243de81040ba_story.html) and “‘Sovereign Citizen’ appears before Judge Hurley,” YouTube video, 1:23, posted by “gatsby,” April 16, 2015, <https://www.youtube.com/watch?v=k1DqdbX4AK0>.

<sup>149</sup> Manuel Ramos, “2 charged in attempt to con \$214 million from bank,” *Orlando Sentinel*, August 23, 2008, accessed December 12, 2015, [http://articles.orlandosentinel.com/2008-08-23/news/funnymoney23\\_1\\_bank-of-america-kissimmee-cruz](http://articles.orlandosentinel.com/2008-08-23/news/funnymoney23_1_bank-of-america-kissimmee-cruz).

<sup>150</sup> Vik Jolly, “O.C. tax preparer pleads guilty to placing false liens,” *Orange County Register*, June 7, 2011, accessed December 14, 2015, <http://www.ocregister.com/articles/cao-303568-liens-false.html>.

<sup>151</sup> Anti-Defamation League, “The Washitaw Nation and Moorish Sovereign Citizens: What You Need to Know,” July 18, 2016, accessed July 27, 2016, <http://blog.adl.org/extremism/the-washitaw-nation-and-moorish-sovereign-citizens-what-you-need-to-know>.

and Immunities from TAXATION, and from Criminal and Civil Jurisdiction by, and of, the Union States Rights Republic (U.S.A.).<sup>152</sup>

Moorish sovereign citizens at times rely on this style of pseudo-legal documentation to justify their failure to follow the law.

Some Moorish sovereign citizens have attempted to use these purported legal exemptions to avoid criminal charges ranging from non-violent acts (trespassing) to violent acts (homicide). For example, Maryland authorities charged Lamont Butler with breaking and entering, fraud, and attempted theft after he tried to take possession of a twelve-bedroom, six-kitchen mansion.<sup>153</sup> According to the *Washington Post*, “Butler said the Bethesda [Maryland] mansion belonged to him because he is a Moorish American National. He’d drawn up paperwork that he said proved it all, with references to a 1787 peace treaty and the Vienna Convention on Consular Relations.”<sup>154</sup>

Some Moorish sovereign citizens have also claimed their exemption from law precludes them from being charged for violent crimes as well, including murder. Terrence Rollins-Bey of Maryland reportedly shot a man to death and set the man’s car on fire to hide evidence of the killing.<sup>155</sup> In court, Rollins-Bey referred to himself as a “natural living soul” and challenged the Maryland court’s standing to hear his case.<sup>156</sup> “I object to everything you’re saying,” Rollins-Bey told the judge.<sup>157</sup> In response, the judge

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<sup>152</sup> “Judicial Notice and Proclamation,” May 2015, accessed January 24, 2016, [www.rvbeypublications.com/sitebuildercontent/sitebuilderfiles/aresponsetofinchflowers.pub.pdf](http://www.rvbeypublications.com/sitebuildercontent/sitebuilderfiles/aresponsetofinchflowers.pub.pdf).

The “aresponsetofinchflowers” component of this web link appears to demonstrate this document is a response to Rob Finch and Kory Flowers. Finch and Flowers are law enforcement officers who research sovereign citizens and train other law enforcement officers about the movement. Finch and Flowers published “Sovereign Citizens: A Clear and Present Danger” in *POLICE Magazine* in September 2012; I reference that article in other portions of this thesis.

<sup>153</sup> Dan Morse, “Moorish American National’ charged with trying to take mansion,” *The Washington Post*, March 18, 2013, accessed June 7, 2015, [https://www.washingtonpost.com/local/moorish-american-national-charged-with-trying-to-take-mansion/2013/03/18/b6d4524c-6ece-11e2-aa58-243de81040ba\\_story.html](https://www.washingtonpost.com/local/moorish-american-national-charged-with-trying-to-take-mansion/2013/03/18/b6d4524c-6ece-11e2-aa58-243de81040ba_story.html).

<sup>154</sup> Ibid.

<sup>155</sup> Ian Duncan, “Growing number of Moorish Americans try to evade prosecution,” *Baltimore Sun*, November 4, 2013, accessed June 1, 2016, [http://articles.baltimoresun.com/2013-11-04/news/bs-md-ci-moorish-american-20131103\\_1\\_murder-and-arson-moore-trials](http://articles.baltimoresun.com/2013-11-04/news/bs-md-ci-moorish-american-20131103_1_murder-and-arson-moore-trials).

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

held Rollins-Bey in contempt of court for his repeated outbursts and had him removed from the courtroom for parts of the trial.<sup>158</sup> The court rejected Rollins-Bey's sovereign citizen-based defense, convicted him of murder, and sentenced him to 110 years in prison.<sup>159</sup>

## **2. Sovereign Citizens and the Federal Government**

Beyond the racism aspect, Posse Comitatus members and sovereign citizens further differentiate themselves somewhat in their views of the federal government's standing. The Posse Comitatus, although vehemently opposed to the federal government, accepted it as an existent entity, albeit an overreaching one operating beyond its Constitutional authority.<sup>160</sup> Posse Comitatus members believe the county government is the highest legitimate government body, and the county sheriff therefore is the highest legitimate governmental authority figure.<sup>161</sup> It was only later, in the 1980s as the movement dwindled, that the Posse Comitatus tweaked its government authority stance and claimed that the federal government is actually non-existent, by virtue of its illegitimate origins.<sup>162</sup> Sovereign citizens, in comparison, usually advocate the notion that the federal government's authority was borne out of a legal fraud that shifted people from a freedom-laden state citizenship to a freedom-abrogating federal citizenship.<sup>163</sup>

Sovereign citizens proffer a fairly elaborate explanation of a contractual agreement gone awry as their sovereignty's basis. Specifically, many sovereign citizens believe the federal government duped Americans into capitulating to federal control through duplicitous contracts under the guise of birth certificates and Social Security

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<sup>158</sup> Ibid.

<sup>159</sup> Office of the State's Attorney for Baltimore City, "Pulley, Rollins Sentenced for Second Degree Murder, Arson, and Theft," news release, October 22, 2013.

<sup>160</sup> "Sovereign Citizen Movement," accessed June 10, 2014, [http://archive.adl.org/learn/ext\\_us/scm.html](http://archive.adl.org/learn/ext_us/scm.html).

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> "How scoundrels corrupted our republican form of government," accessed November 27, 2015, <http://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>.

numbers.<sup>164</sup> Common sovereign citizen ideology maintains that when a person accepts federal benefits or complies with federal laws, doing so validates a citizenship transfer from an independent, or “sovereign citizen,” status to “federal citizen” status.<sup>165</sup> Some sovereign citizens therefore reject Social Security payments and avoid paying taxes in an effort to circumvent this supposed contract.<sup>166</sup> Courts at both the state and federal levels have repeatedly adjudicated these sovereign citizen contractual interpretations as invalid.<sup>167</sup>

Sovereign citizen ideology reaches far back into American history to support this fraudulent contract claim. The claim’s starting point is 1776, when North America’s thirteen colonies declared their independence from Great Britain. The Declaration of Independence references the “thirteen united [lower case, sic] States of America” and asserts, “these United Colonies are, and of Right ought to be Free and Independent States.”<sup>168</sup> The Declaration also refers to state “Citizens” e.g., with a capital C; this varying typography is an important tenet of the sovereign citizen belief system.<sup>169</sup> Many sovereign citizens believe this component of the Declaration is the basis for sovereign state citizenship, discrete from American or federal citizenship.<sup>170</sup>

Sovereign citizen ideology relies on the Constitution’s Fourteenth Amendment (1868) to buttress the belief that the federal government duped Americans into submitting to federal control.<sup>171</sup> The Fourteenth Amendment, Section 1, reads, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the

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<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> “How to cancel your social security number and birth certificate and become a sovereign citizen,” accessed November 12, 2014, <http://qbit.cc/how-to-cancel-your-social-security-number-and-birth-certificate-and-become-a-sovereign-citizen/>.

<sup>167</sup> Bernard J. Sussman, “Idiot Legal Arguments: A Casebook for Dealing with Extremist Legal Arguments,” accessed June 4, 2014, <http://archive.adl.org/mwd/suss2.html#sovereign>.

<sup>168</sup> U.S. Declaration of Independence, para. i and vi (1776).

<sup>169</sup> “The Benefits Of Being A Sovereign.”

<sup>170</sup> “The Truth about the 14<sup>th</sup> Amendment or Who Are You, Really?,” accessed June 22, 2014, [http://usa-the-republic.com/revenue/true\\_history/Chap6.html](http://usa-the-republic.com/revenue/true_history/Chap6.html).

<sup>171</sup> Ibid.

United States and of the State wherein they reside.”<sup>172</sup> The word “citizens” appears lower case in the Amendment, whereas it is capitalized in the Declaration of Independence. Many sovereign citizens believe the Amendment’s variance in typography shifts sovereign state “united States” “Citizens” who were not subject to the federal government’s jurisdiction or laws, to “United States” “citizens” under federal jurisdiction without their consent.<sup>173</sup>

Typography continues to be important to many sovereign citizens. Some sovereign citizens write their personal names with nonstandard capitalization and punctuation in what they claim is a manner that shields them from government control.<sup>174</sup> For example, one well-known sovereign citizen styles his name as :David-Wynn: Miller.<sup>175</sup> Some sovereign citizen instructional materials claim that the all capitals format often found on birth certificates indicates the government has used the person’s identity to form a shell account into which the government has clandestinely funneled money that the individual cannot access. One sovereign citizen website explains, “The name in ALL CAPITAL LETTERS means that a person is either DEAD or a CORPORATION. Where the name appears in all caps, as on the Birth Certificate or driver’s licence [sic], it can be considered an artificial person or public like WAL-MART[.]”<sup>176</sup>

Aside from the typography aspect, sovereign citizens typically allege that the federal citizenship problem trickles down to the state level as well. Again mimicking their Posse Comitatus forefathers, some sovereign citizens also believe specific persons and professions at both the state and federal levels are facilitators of this ongoing federal fraud.<sup>177</sup> In particular, some sovereign citizens view state and federal law enforcement officers, judges, prosecutors, defense attorneys, tax collectors, and government-employed clerks (such as motor vehicle department clerks) as perpetrators of a continued systematic

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<sup>172</sup> U.S. Const. amend. XIV, § 1.

<sup>173</sup> “The Benefits Of Being A Sovereign.”

<sup>174</sup> “Judge: David-Wynn: Miller,” accessed June 27, 2014, <http://dwmlc.com/>.

<sup>175</sup> Ibid.

<sup>176</sup> “Sovereign Citizenship,” accessed June 1, 2015, [http://sovereign-citizenship.net/07\\_name.html](http://sovereign-citizenship.net/07_name.html).

<sup>177</sup> Ibid.

conspiracy to abrogate sovereign citizens' perceived rights.<sup>178</sup> Some sovereign citizens extend their conspiracy beliefs to non-governmental actors, such as private sector attorneys, believing "[t]he legal industry...has been made into a part of the government because it is licensed and regulated by government."<sup>179</sup>

Sovereign citizens' attitudes toward motor vehicle departments demonstrate how this contract-related belief shapes their behavior toward state government entities. Some sovereign citizens eschew driver licensing and vehicle registration, and therefore avoid state motor vehicle departments.<sup>180</sup> They sometimes view licensing and registration as forms of unauthorized subcontract between them and a conspiratorial state-federal government alliance to which they did not consent.<sup>181</sup> "Today, all state governments are corporations, not sovereign states. They are just sub-corporations of the federal government, and therefore are under the jurisdiction of the federal government," explains one sovereign citizen-hosted website<sup>182</sup>

### **3. The Uniform Commercial Code**

Sovereign citizen ideology has also adopted the Posse Comitatus's interpretation of a legitimate legal construct known as the Uniform Commercial Code.<sup>183</sup> The original Uniform Commercial Code (UCC) is not law itself, rather it is a recommended legal structure that non-legislators drafted to harmonize states' commercial transaction laws.<sup>184</sup> The UCC addresses issues such as sales of goods, leases of goods, promissory notes,

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<sup>178</sup> Ibid.

<sup>179</sup> "How scoundrels corrupted our form of government."

<sup>180</sup> "Sovereign Citizen 'Traveler' Hands over his Driver's License at Traffic Stop," YouTube video, 10:53, posted by "Not Personal," October 29, 2015, <https://www.youtube.com/watch?v=vmIE519daP4>.

<sup>181</sup> Alfred Adask, November 7, 2012, "Does your ID Identify You-Or the 'state' You 'Identify With'?" *Adask's law blog*, <https://adask.wordpress.com/2012/11/07/does-id-identify-you-or-the-state-you-identify-with/#more-17152>.

<sup>182</sup> "The Truth about the 14<sup>th</sup> Amendment or Who Are You, ReaLLY?"

<sup>183</sup> "The Uniform Commercial Code," YouTube video, 3:42, posted by "Robert Emerson," January 26, 2009, <https://www.youtube.com/watch?v=wGvqvhGMcdg&list=PL95AD1C6D7DF09DA8&index=1>.

<sup>184</sup> "Uniform Commercial Code," accessed July 1, 2014, <http://www.sba.gov/category/navigation-structure/starting-managing-business/starting-business/understand-business-law-7>.

banks and banking, letters of credit, and securities and financial interests.<sup>185</sup> All states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have codified the UCC in some form, either verbatim from the recommendations or with variations to suit their respective legal needs.<sup>186</sup>

Some sovereign citizens incorrectly believe a plethora of everyday situations falls under the auspices of commercial law, which in their view means the UCC is the law that controls those situations.<sup>187</sup> This particular sovereign citizen belief has historical origins: in 1933, the United States went off the gold standard, a monetary system in which paper currency is backed by an equivalent quantity of gold.<sup>188</sup> To put this point in perspective, no country currently maintains a monetary system fully supported by an equivalent amount of gold.<sup>189</sup> Because of this lack of gold collateral, some of the sovereign citizen movement's adherents believe the United States is now operating under "commercial law" because the United States is issuing money for which it has no financial support.<sup>190</sup> There is no accepted legal basis for this sovereign citizen assertion.<sup>191</sup>

This lack of acceptance has not stopped some sovereign citizens from wielding the UCC against authorities. In doing so, sovereign citizens imitate a Posse Comitatus tactic and manipulate gaps within the UCC.<sup>192</sup> The original UCC permits virtually anyone to file a lien against anyone else's property, requiring no evidence to verify the

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<sup>185</sup> David M. Steingold, "What is the UCC?," accessed October 12, 2014, <http://www.nolo.com/legal-encyclopedia/what-is-the-ucc.html>.

<sup>186</sup> Ibid.

<sup>187</sup> "The Benefits of Being a Sovereign."

<sup>188</sup> Craig K. Elwell, "Brief History of the Gold Standard in the United States," *Congressional Research Service Report for Congress*, June 23, 2011.

<sup>189</sup> Encyclopedia Britannica Online, s.v. "gold standard," accessed July 1, 2014, <http://www.britannica.com/topic/gold-standard> and Chizoba Morah, "What is the gold standard?," accessed July 5, 2014, <http://www.investopedia.com/ask/answers/09/gold-standard.asp>.

<sup>190</sup> "The Sovereigns: A Dictionary of the Peculiar," accessed June 16, 2014, <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/fall/sovereign-idiotic-a-dictionary-of-the>.

<sup>191</sup> Sussman, "Idiot Legal Arguments: A Casebook for Dealing with Extremist Legal Arguments."

<sup>192</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 6.

alleged debt involved.<sup>193</sup> As Posse Comitatus members did before them, sovereign citizens have filed bogus property liens against judges, attorneys, law enforcement, and other individuals who did not comply with their demands.<sup>194</sup> The UCC has mechanisms in place to refute liens, yet the liens are not actually erased in those instances; a lien remains on the recipient's record, albeit with a refutation notice attached.<sup>195</sup> Potential creditors may be able to view the fraudulent lien, possibly leading to difficulty for the victim when selling the affected property or obtaining lines of credit.<sup>196</sup>

Some sovereign citizens further manipulate legal phrasing to prevent the property lien's automatic lapse. Some property liens disintegrate automatically after five years; sovereign citizens have therefore at times intentionally included the phrase "transmitting utility" in their bogus UCC-based filings. UCC filings with that wording are exempt from automatic removal and therefore do not lapse.<sup>197</sup> "Fraudulent filers, particularly sovereigns, use this designation in an attempt to ensure that their financing statements remain indefinitely on file," according to the NASS report.<sup>198</sup> The UCC defines a "transmitting utility" as

a person primarily engaged in the business of:

- (A) operating a railroad, subway, street railway, or trolley bus;
- (B) transmitting communications electrically, electromagnetically, or by light;
- (C) transmitting goods by pipeline or sewer; or

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<sup>193</sup> Ibid.

<sup>194</sup> Ibid., 4.

<sup>195</sup> UCC § 9-518 (2010).

<sup>196</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 7.

<sup>197</sup> The American Bar Association, "States Ring in the New Year by Amending UCC Article 9," January 2009.

<sup>198</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 6.

(D) transmitting or producing and transmitting electricity, steam, gas, or water.<sup>199</sup>

The government officials that sovereign citizen typically target do not fit within the “transmitting utility” definition, yet individuals who submit nefarious filings are not required to verify or prove the definition actually applies.

State legislatures have implemented hurdles to inhibit false lien-based harassment directed at authorities.<sup>200</sup> The various state legal approaches to counteract false lien filing reflect that not all state legislatures are prepared to quantify false lien filers as criminals. Some states have implemented civil remedies for false lien filing without criminalizing the behavior, while others have implemented criminal penalties for it.<sup>201</sup> Still others states offer both civil and criminal penalties for the behavior.<sup>202</sup> The federal legislature, for its part, has criminalized the behavior.<sup>203</sup>

While these penalties are beneficial for victims, the penalties do have some drawbacks. Most significantly, the onus is on the victim to move forward with a complaint against the false filer, and the victim can only do so after discovering the fraud.<sup>204</sup> In some cases the victim does not discover the fraud until a significant time after the filing, because the issue only comes to light when the victim attempts to sell the impacted property.<sup>205</sup> The court costs associated with pursuing a complaint against the false lien filer can also place an additional burden on the victim.<sup>206</sup>

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<sup>199</sup> UCC, Sec. 9-102(a)(81) (2010).

<sup>200</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 7-10.

<sup>201</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 10.

<sup>202</sup> Ibid.

<sup>203</sup> The Court Security Improvement Act of 2007, Pub. Law 110-177.

<sup>204</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 9-10.

<sup>205</sup> Ibid.

<sup>206</sup> U.S. Department of Justice, *Criminal Tax Manual* (Washington, D.C.: U.S. Department of Justice, June 2015), 12, <https://www.justice.gov/tax/file/477081/download>.

The false lien filing problem stems in part from a limitation on the secretary of state's powers. The original UCC does not provide recommendations relating to a secretary of state's authority to verify documents' validity at filing or after filing; this omission creates an inlet for false filers.<sup>207</sup> Essentially, in many jurisdictions, if an applicant submits all the required documentation, the secretary's staff is obligated to accept the filing.<sup>208</sup> Some states have therefore enacted laws that authorize a secretary of state to reject a filing that looks suspicious. As of 2014, nineteen secretaries of state have authority to assess—and reject—a suspicious prospective filing upon receipt.<sup>209</sup>

Additionally, some states now authorize secretaries of state to assess and potentially reject liens after filing.<sup>210</sup> The post-filing review allows state personnel to alter their initial acceptance of liens, which is particularly helpful when new information arises that casts the filed lien in a suspicious light.<sup>211</sup> As of 2014, fourteen states have implemented the post-filing remedy, with some overlap with the states that also permit the pre-filing review and assessment method.<sup>212</sup>

On the federal level, Congress enacted The Court Security Improvement Act of 2007 in response to the false lien filing problem. This federal law affords federal judges and federal law enforcement officers enhanced protection from retaliatory lien filers.<sup>213</sup> The law provides for both fines and imprisonment of individuals who file, attempt to file, or conspire to file false liens against federal judges and federal law enforcement officers.<sup>214</sup> This is an improvement over prior laws that required the “misconduct to occur during the pendency of a judicial proceeding.”<sup>215</sup> The Court Security Improvement Act

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<sup>207</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 4.

<sup>208</sup> UCC, 9-516(a) (2010).

<sup>209</sup> *Ibid.*, 8.

<sup>210</sup> *Ibid.*, 9.

<sup>211</sup> *Ibid.*

<sup>212</sup> *Ibid.*, 12-21.

<sup>213</sup> Pub. Law 110-177.

<sup>214</sup> Charles Doyle, “Court Security Improvement Act of 2007: A Legal Analysis of Public Law 110-177 (HR 660 and S. 378),” *Congressional Research Service Report for Congress*, January 14, 2008.

<sup>215</sup> *Ibid.*, 8-9.

does not have the same time restriction, allowing for greater federal employee protection from false lien-related harassment.

## **B. THE MILITIA MOVEMENT**

Sovereign citizens and American militia members at times align in methods and ideology. The militia movement blossomed in the mid-1990s after incidents such as the 1992 Ruby Ridge siege and the 1993 Waco standoff.<sup>216</sup> While both militia groups and sovereign citizens question the federal government's authority over them, they differ in their respective views of the U.S. Constitution. According to the FBI, "[m]any militia extremists view themselves as protecting the U.S. Constitution, other U.S. laws, or their own individual liberties. They believe that the Constitution grants citizens the power to take back the federal government by force or violence if they feel it's necessary."<sup>217</sup>

Sovereign citizens, alternatively, view the U.S. Constitution as a linguistic maze that affords rights to those who can parse it properly. Concurrently, sovereign citizens feel the federal government is an instrument of fraud that abrogates those rights.<sup>218</sup> From the sovereign citizen perspective, then, neither the federal government nor the U.S. Constitution deserves protection in the manner the militias advocate.<sup>219</sup>

Sovereign citizens and militia members also differ drastically in their organizational approaches. Militias typically structure themselves in paramilitary hierarchies and operate as a group.<sup>220</sup> Alternatively, sovereign citizens usually do not organize themselves into structured groups, choosing instead to act individually against government entities.<sup>221</sup>

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<sup>216</sup> Anti-Defamation League, "The Militia Movement," accessed November 12, 2014, [http://archive.adl.org/learn/ext\\_us/militia\\_m.html](http://archive.adl.org/learn/ext_us/militia_m.html).

<sup>217</sup> Federal Bureau of Investigation, "Focus on Militia Extremism," accessed December 12, 2014, <https://www.fbi.gov/news/stories/domestic-terrorism-focus-on-militia-extremism>.

<sup>218</sup> Scott Eric Rosenstiel, "Sovereign Citizenship," accessed December 1, 2014, <http://discharge-debt.com/id216.htm>.

<sup>219</sup> Ibid.

<sup>220</sup> Anti-Defamation League, "The Militia Movement."

<sup>221</sup> Federal Bureau of Investigation, "Sovereign Citizens: A Growing Domestic Threat to Law Enforcement."

## C. THE PATRIOT MOVEMENT

Some researchers include sovereign citizens within a larger group known as the “Patriot Movement.”<sup>222</sup> The Patriot Movement consists of disparate groups that maintain unique views of the federal government’s legitimacy and individuals’ obligations to it.<sup>223</sup> While the Patriot Movement’s various groups do not necessarily have the same views as to why the federal government is in the wrong, their general universal stance is that the federal government has encroached on citizens’ rights. One writer explains the Patriot Movement is a “wide assortment of persons” bound together by

a lethal compound of four ingredients: an obsessive suspicion of their government; a deep-seated hatred and fear of federal authorities; a belief in far-reaching conspiracy theories; and a feeling that for all intents and purposes Washington bureaucrats have discarded the U.S. Constitution. Most of the individuals in this anti-government community also feel that a cold war of sorts is being waged between freedom-loving patriots and federal officials.<sup>224</sup>

### 1. Cliven Bundy; Nevada, 2014

Despite philosophical and structural divergences, different components of the Patriot Movement at times come together to support a common cause. Such events occurred in 2014 and 2016, when a number of Patriot Movement components, including sovereign citizens, injected themselves into Cliven Bundy’s longstanding conflict with the federal government over cattle grazing rights near his ranch in Bunkerville, Nevada. Key players at the Bundy ranch in 2014 included militia members and Oath Keepers.<sup>225</sup> The latter are, in their words, “a non-partisan association of current and formerly serving

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<sup>222</sup> “The ‘Patriot’ Movement Timeline,” Southern Poverty Law Center, accessed November 4, 2015, <https://www.splcenter.org/fighting-hate/intelligence-report/2015/patriot-movement-timeline>.

<sup>223</sup> Richard Abanes, “The Patriot Movement,” accessed June 15, 2016, <http://www.equip.org/article/the-patriot-movement/>.

<sup>224</sup> Ibid.

<sup>225</sup> According to [www.oathkeepers.org](http://www.oathkeepers.org) as of May 2016, “Oath Keepers is a non-partisan association of current and formerly serving military, police, and first responders, who pledge to fulfill the oath all military and police take to ‘defend the Constitution against all enemies, foreign and domestic.’ That oath, mandated by Article VI of the Constitution itself, is to the Constitution, not to the politicians, and Oath Keepers declare that they will not obey unconstitutional orders, such as orders to disarm the American people, to conduct warrantless searches, or to detain Americans as ‘enemy combatants’ in violation of their ancient right to jury trial.”

military, police, and first responders, who pledge to fulfill the oath all military and police take to ‘defend the Constitution against all enemies, foreign and domestic.’”<sup>226</sup>

Bundy’s April 2014 armed standoff with U.S. Bureau of Land Management (BLM) law enforcement officers highlights the simmering and unresolved tensions between a federal government attempting to exert its authority over a person who claims that authority simply does not exist.<sup>227</sup> Prior to the standoff, Bundy had filed muddled pro se court documents denying the federal court system’s jurisdiction in Nevada and further denying the federal court system’s jurisdiction over him. In doing so, Bundy expressed he is a “citizen of Nevada, not the territory of Nevada.”<sup>228</sup> These ongoing legal machinations presaged the 2014 armed showdown, during which a reporter photographed Bundy’s supporters aiming rifles at BLM law enforcement officers.<sup>229</sup> Ultimately, neither the law enforcement officers nor the Bundy supporters fired their weapons.<sup>230</sup>

## **2. Shawna Cox; Oregon, 2016**

Issues from the 2014 Bundy ranch standoff surfaced again in 2016 in neighboring Oregon. Militia members, including Bundy’s sons Ammon and Ryan, began occupying the Malheur National Wildlife Refuge near Burns, Oregon.<sup>231</sup> Their stated purpose in doing so was to protest the arson convictions and subsequent incarceration of two other ranchers, and to force the federal government to relinquish its control of the Malheur National Forest.<sup>232</sup> At least two sovereign citizens offered their services to the militia

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<sup>226</sup> “About Oath Keepers,” accessed May 14, 2016, <https://www.oathkeepers.org/about/>.

<sup>227</sup> Jaime Fuller, “Everything You Need to Know About the Long Fight between Cliven Bundy and the Federal Government,” *Washington Post*, April 15, 2014, accessed July 20, 2014, <https://www.washingtonpost.com/news/the-fix/wp/2014/04/15/everything-you-need-to-know-about-the-long-fight-between-cliven-bundy-and-the-federal-government/>.

<sup>228</sup> *United States v. Bundy*, CV-S-98-531 (D. Nev. Nov. 4, 1998).

<sup>229</sup> Jim Urquhart, “Nevada Showdown,” *Photographers’ Blog*, April 23, 2014, accessed July 2, 2014, <http://blogs.reuters.com/photographers-blog/2014/04/23/nevada-showdown/>.

<sup>230</sup> *Ibid.*

<sup>231</sup> Bradley W. Parks, “Malheur Occupation: A Reference Guide,” *Oregon Public Broadcasting*, January 27, 2016, accessed June 4, 2016, <http://www.opb.org/news/series/burns-oregon-standoff-bundy-militia-news-updates/oregon-malheur-occupation-militia-bundy-ammon-ryan/>

<sup>232</sup> *Ibid.*

members and others at the Malheur Refuge: Shawna Cox, a mother of twelve; and Bruce Doucette, who claims to be a “U.S. Superior Court Judge”<sup>233</sup> from Denver, Colorado.

Shawna Cox forthrightly describes herself in a 2016 court filing as a sovereign citizen.<sup>234</sup> Her criminal complaint against the federal government alleges that the federal government, state government, and members of various bar associations have conspired against her.<sup>235</sup> “I object to the court continuing to attempt to identify me as a subject of corporate United States of America, I ask the court to cease and desist this, and acknowledge I am a sovereign citizen,” her complaint asserts.<sup>236</sup> Cox later filed a motion to dismiss her court-appointed counsel, who is defending her against charges of conspiracy to impede federal officers and possession of a firearm in a federal facility.<sup>237</sup> In her motion, Cox alleges, “I stipulate we are not being brought before a common law court, and that we are being brought before a Corporate court that is operated and managed by the Bar Association’s monarchy type of oligarchy tyranny in the interests of their personal judicial industry.”<sup>238</sup> Cox further insists in a letter to her court-appointed attorney, “I am demanding to be tried in a common law court, and that I am arguing that I am being tried in a corporate court of the Corporate United States that is operating under

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<sup>233</sup> Bruce Doucette, Facebook profile, accessed July 1, 2016, <https://www.facebook.com/bruce.doucette.9?fref=ts>.

<sup>234</sup> *United States of America v. Shawna Cox, Affidavit [Sic] Of Fact Of Shawna Cox Regarding [Sic] Ineffective [Sic] Council [Sic], Notice Of Affirmative [Sic] Defences [Sic] And Counter Claims [sic]*, U.S. Dist. Ct. of Oregon, July 6, 2016, 3:16-cr-00051-BR and *United States v. Ammon Bundy et al., Notice of Crimimal [sic] Counter Suite [sic] against Federal Employees and Other John & Jane DOES 1-1000 with Claim for Damages by Declaration of Shawna Cox*, 3:16-CR-00051-BR (U.S. Dist. Ct. of Oregon, Feb. 17, 2016), 6.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

<sup>237</sup> *United States of America v. Shawna Cox, Declaration in Support of Motion to Withdraw and Allow Self-Representation*, 3:16-CR-00051-BR-07, (U.S. Dist. Ct. of Oregon, July 12, 2016).

<sup>238</sup> *United States of America v. Shawna Cox, Affidavit [sic] OF FACT*.

Admiralty Law.”<sup>239</sup> References to a “corporate” United States, admiralty law, and common law are frequent sovereign citizen refrains.<sup>240</sup>

Yet Shawna Cox’s husband has repeatedly denied his wife is anything but a “patriot.”<sup>241</sup> Don Cox claims his wife is “not part of a militia or anything else” and that she “isn’t a terrorist or anti-government.”<sup>242</sup> This statement is arguably at odds with Shawna Cox’s own statements about her sovereign citizenship, as well as at odds with her attendance at Bundy’s 2014 Nevada standoff roughly 125 miles from her Utah home, and her 830 mile trek to Oregon’s Malheur Refuge in January 2016 to participate in the Bundys’ anti-government protest. Perplexingly, Don Cox further said, “But there’s some things in the government that are not right. This has always been about putting God back in America and back in our schools.”<sup>243</sup> Shawna Cox’s court filings contain no references to religious practices in schools.<sup>244</sup> Whether Don Cox’s denial of his wife’s sovereign citizenship is based on confusion, misunderstanding, or a desire to create distance from the movement (or something else entirely) is unclear.

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<sup>239</sup> Shawna Cox, letter to her attorney Tiffany A. Harris, May 17, 2016.

<sup>240</sup> Elliot Njus, “Freed Oregon occupier Shawna Cox heading home soon, husband says,” *The Oregonian*, January 31, 2016, accessed February 4, 2016, [http://www.oregonlive.com/oregon-standoff/2016/01/arrested\\_oregon\\_occupier\\_freed.html](http://www.oregonlive.com/oregon-standoff/2016/01/arrested_oregon_occupier_freed.html) and Christopher Smart, “Mike Noel warned Utah woman arrested in Oregon standoff not to go,” *Salt Lake Tribune*, January 27, 2016, accessed February 8, 2016, <http://www.sltrib.com/home/3467893-155/kanab-woman-arrested-in-oregon-standoff>.

<sup>241</sup> Daniel Woodruff, “Utah woman arrested in Oregon after clash with FBI leaves one dead,” *kutv.com*, January 26, 2016, accessed February 10, 2016, <http://kutv.com/news/local/utah-woman-arrested-along-with-bundys-in-oregon>.

<sup>242</sup> *Ibid.*

<sup>243</sup> Njus, “Freed Oregon occupier Shawna Cox heading home soon, husband says.”

<sup>244</sup> For example, see *United States of America v. Shawna Cox*, Affidavit [sic] of Fact of Shawna Cox Regarding [sic] Ineffective [sic] Council [sic], Notice of Affirmative [sic] Defences [sic] and Counter Claims [sic] and *United States v. Ammon Bundy et al.*, Notice of Criminal [sic] Counter Suite [sic] against Federal Employees and Other John & Jane Does 1-1000 with Claim for Damages by Declaration of Shawna Cox.

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### III. PERCEPTIONS AND PORTRAYALS

Several psychology frameworks provide insight into the sovereign citizen mindset. Social identity theory provides a method of viewing the sovereign citizen from an internal perspective and can help explain the motivation behind some sovereign citizens' actions. Second, applying analytical traits, or behavioral markers, to sovereign citizen behavior can also help in understanding sovereign citizens' motives.

#### A. SOCIAL IDENTITY THEORY

Psychologist Henri Tajfel developed a framework that provides insight into the sovereign citizen mindset. Tajfel's social identity theory posits that examining social context, as well as sovereign citizens' understanding of themselves, helps clarify the sovereign citizens' behavior and relationships to other groups.<sup>245</sup> In the social identity theory context, a group is "people...who are united around a common interest, purpose, or practice, and who think of themselves as connected in some way."<sup>246</sup> Despite not comprising a distinct physical group, individual sovereign citizens subscribe to a body of beliefs that forms a "virtual ingroup."<sup>247</sup> An "ingroup" describes a group to which an individual considers him- or herself to belong, or a group to which outsiders consider an individual to belong. Alternatively, an "outgroup" references other groups to which an individual does not consider him- or herself to belong, or a group to which others do not consider an individual to belong.<sup>248</sup>

In conjunction with personal perceptions of ingroup and outgroup membership, individuals are also subject to identities that others ascribe, or assign, to them.<sup>249</sup> For example, a law enforcement officer may view a sovereign citizen as a domestic terrorist,

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<sup>245</sup> David Brannan, Kristin Darken, and Anders Strindberg, *A Practitioner's Way Forward* (Salinas, California: Agile Press, 2014), 61.

<sup>246</sup> *Ibid.*, 65.

<sup>247</sup> Social Identity Theory analysis method developed by Henri Tajfel, as discussed in *Social Identity and Intergroup Relations, Part I* (1982).

<sup>248</sup> Brannan, Darken, and Strindberg, *A Practitioner's Way Forward*, 67.

<sup>249</sup> *Ibid.*, 66 and 77.

as the START study demonstrates.<sup>250</sup> The sovereign citizen, however, may view him- or herself as an enlightened person waging a battle for personal rights against a fraudulent government system, as Shawna Cox’s statements express.<sup>251</sup>

The potential mismatch between an externally ascribed identity and an internally perceived identity is particularly problematic in research and law enforcement contexts. For example, as discussed earlier in this thesis, many law enforcement respondents to the START study view sovereign citizens as domestic terrorists (an ascribed identity). That ascribed identity, however, conflicts with individuals who call themselves sovereign citizens while simultaneously non-violently interacting with law enforcement officers. Consolidating these externally ascribed and internally perceived identities into one overarching label fails to accurately describe who sovereign citizens are and what types of threats they may present.

Tajfel identifies three components that contribute to an individual’s social identity.<sup>252</sup> These include a cognitive component, which relates to an individual’s knowledge that he or she belongs to a particular ingroup.<sup>253</sup> Sovereign citizens demonstrate membership in their ingroup via many methods, including false identification cards, homemade license plates, and verbal statements of sovereignty, to name a few.<sup>254</sup> These behaviors indicate sovereign citizens not only understand they belong to a group, but also that they consider themselves separate from another group, namely, “standard” federal citizenship as most American citizens experience.<sup>255</sup>

Tajfel’s second component is an evaluative one that accounts for an individual’s positive or negative connotation of his or her ingroup, and the subjective connotation of

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<sup>250</sup> David Carter et al., *Understanding Law Enforcement Intelligence Processes, Report to the Office of University Programs, Science and Technology Directorate*.

<sup>251</sup> “Sovereign Citizenship.”

<sup>252</sup> Henri Tajfel, *Differentiation between Social Groups: Studies in the Social Relations of Intergroup Relations* (London: Academic Press, 1978), 28.

<sup>253</sup> *Ibid.*

<sup>254</sup> Arizona Counter-Terrorism Information Center, *Sovereign [sic] Citizens and Militia Information* (Phoenix, Arizona: Arizona Counter-Terrorism Information Center, August 19, 2008).

<sup>255</sup> “Sovereign Citizenship.”

his or her membership in it.<sup>256</sup> Sovereign citizens consider their federal citizenship to be detrimental and their membership within that group to be a negative. One sovereign citizen website explains, “U.S. citizens are in the mindset [that]...‘the government’ is greater than them and can solve all of their problems with laws and taxation. In other words, they don’t want to be self-governing, they want to be ruled by this tyrannical system.”<sup>257</sup>

Inversely, sovereign citizens view their adherence to and inclusion in the sovereign citizen movement as a positive one, as their prideful online comments demonstrate. One sovereign citizen website declares, “Sovereign American Citizenship is the highest status one can have in the world.”<sup>258</sup> Additionally, “[o]ur founding fathers wanted Americans to live free of the tyranny and control that they fought to get away from,” trumpets another sovereign citizen website. This interpretation of the founding fathers demonstrates both the negative connotation related to remaining in the federal citizenship ingroup, as well as the positive connotation of belonging to the more positive sovereign citizen ingroup.<sup>259</sup>

Third, Tajfel explains that social identity theory has an emotional component that relates to the subjective feelings that accompany the cognitive and evaluative components.<sup>260</sup> Sovereign citizens take pride in attaining perceived freedom from the federal government and express their disdain toward what they perceived to be illegitimate laws.<sup>261</sup> One sovereign citizen writes, “I AM A REAL AMERICAN AND HAVE THE RIGHTS OF LIFE AND LIBERTY FREEDOM HAPPINESS AND THE TRUE AMERICAN WAY AS IT IS DESCRIBED IN THE CONSTITUTION AND THE AMERICAN AMENDMENT RIGHTS THAT WERE GIVEN TO ME AS A

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<sup>256</sup> Henri Tajfel, *Differentiation between Social Groups: Studies in the Social Relations of Intergroup Relations*, 28.

<sup>257</sup> “Sovereign Citizenship.”

<sup>258</sup> Ibid.

<sup>259</sup> “The Benefits Of Being A Sovereign,” accessed July 1, 2014, <http://discharge-debt.com/id216.htm>.

<sup>260</sup> Ibid.

<sup>261</sup> “Sovereign Citizenship...I am a sovereign Citizen...are you?,” posted by “reptiliannogmar,” August 20, 2011, accessed October 24, 2015, <http://www.abovetopsecret.com/forum/thread742844/pg1>.

BIRTHRIGHT. Even if I am no longer an American citizen I am more free than probably everyone [sic].”<sup>262</sup> These statements express both the writer’s disdain for his former ingroup (namely, so-called federal citizenship) in conjunction with his sense of freedom within his newly chosen sovereign citizenship ingroup.<sup>263</sup>

Tajfel theorizes that a person derives his or her social identity from these three components: cognitive, evaluative, and emotional.<sup>264</sup> Additionally, an individual’s dominant sources of social identification, and how they compare in status to other such sources, are key to understanding why he or she became a sovereign citizen.<sup>265</sup> Social identity theory posits that “groups have a fundamental need to provide their members with a positive social identity, to establish a positive valued distinctiveness from other groups, in order to maintain their existence.”<sup>266</sup> When a group member perceives his or her current ingroup cannot provide a positive social identity, he or she may leave that group (rendering it the outgroup) and enter into another. In the sovereign citizen context, individuals disenchanted with the “standard” American citizenship ingroup may figuratively abandon it to join the sovereign citizen movement, thereby creating a more positive social identity for themselves.<sup>267</sup>

## **B. BEHAVIORAL MARKERS**

In conjunction with social identity theory, four analytical traits, known as “behavioral markers,” provide additional insight into the sovereign citizen worldview.<sup>268</sup> These markers help to understand sovereign citizens and their subjective interrelation to other groups as well.<sup>269</sup> The four markers reference what social psychologists call the

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<sup>262</sup> Ibid.

<sup>263</sup> Ibid.

<sup>264</sup> Brannan, Darken, and Strindberg, *A Practitioner’s Way Forward*, 67.

<sup>265</sup> Michael A. Hogg and Dominic Abrams, *Social Identifications: A Social Psychology of Intergroup Relations and Group Processes* (London and New York: Routledge, 1988), 12-16.

<sup>266</sup> Brannan, Darken, and Strindberg, *A Practitioner’s Way Forward*, 71.

<sup>267</sup> Hogg and Abrams, *Social Identifications: A Social Psychology of Intergroup Relations and Group Processes*, 52.

<sup>268</sup> Brannan, Darken, and Strindberg, *A Practitioner’s Way Forward*, 79.

<sup>269</sup> Ibid., 81.

patron-client relationship, the honor/shame paradigm, the notion of limited good, and the challenge/response cycle.<sup>270</sup> These markers are:

- the patron-client relationship, which describes the interrelation between groups in which the “client” relies on another party (the “patron”) for status, protection or materials; the patron relies on the client to support, serve, and defend the patron
- the honor/shame paradigm, where “honor” is the positive status a group feels in relation to another group, and “shame” relates to the negative status a particular group feels in relation to another
- the notion of limited good, which is the actual or perceived limited resource that ties into the group’s sense of honor. The good can be either an intangible resource (such as status), or a tangible resource (such as property)
- the challenge/response cycle, which refers to the interaction between and among groups that compete with each other<sup>271</sup>

Applying these markers to sovereign citizens helps to better elucidate their motivations, actions, and beliefs. For example, self-described sovereign citizen instructors serve as patrons of their belief system by presenting sovereign citizen ideology via various methods. Some sovereign citizens are adept at hosting websites that serve as educational gateways both for recruiting new “clients,” that is, those who are new to sovereign citizen ideology, as well as for assisting current adherents. Patron assistance in the sovereign citizen context often includes providing strategies to assert perceived rights related to driver licensing, paying taxes, and court jurisdiction, for example.

Sovereign citizen websites often employ shaming and personal challenge methods to encourage outgroup members to join the sovereign citizen movement. “Stop being proud of the disgraceful and impotent status of ‘U.S. citizen’ and do the process that changes your status to a noble ‘Sovereign American State Citizen,’” extols one sovereign citizen website.<sup>272</sup> The site continues with an honor challenge directed at its readers.

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<sup>270</sup> Ibid., 84.

<sup>271</sup> Ibid.

<sup>272</sup> “Sovereign Citizenship.”

“Self-Government is a noble choice. Sovereign American Citizenship is the highest status one can have in the world and it’s not for the weak of heart, greedy or shallow of mind,” the site declares.<sup>273</sup> Those readers who agree with this sentiment view this as a positive honor challenge; that is, an upgrade to their social status. Those who disagree with the sentiment interpret this sentiment as a negative honor challenge, or one that would downgrade their social status if they opted to accept it. Such websites tout freedom from government control as an intangible limited good that is only available to those who understand and actively engage the mechanisms the sovereign citizen instructors and websites recommend.

The eventual outcome for those taking up sovereign citizen tactics is an ongoing challenge and response cycle that plays out among sovereign citizens and government authorities. This cycle takes the form of the previously described sovereign citizen-instigated forgeries, impersonations, harassment, and violent outbursts directed at government authorities.<sup>274</sup> The authorities’ response has been to educate themselves about sovereign citizen tactics and respond in a more organized, safe, and situationally aware manner.<sup>275</sup> Additionally, some state legislators have responded to sovereign citizen administrative threats by altering laws to thwart such behavior.<sup>276</sup> These educational and legislative responses shift the honor challenge back to sovereign citizens.

Sovereign citizen educational materials emphasize the necessity of the challenge/response cycle to achieve freedom from perceived government-based fraud and control, akin to a freedom fighter striking back against an authoritarian regime.<sup>277</sup> Self-described sovereign citizen and pastor Donald Barber demonstrated this mindset in 2012 when he stated he would have no qualms if his anti-government behavior resulted in

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<sup>273</sup> Ibid.

<sup>274</sup> “Title 4 Flag Says You’re Schwag!”

<sup>275</sup> Zucchini, “Police teach tactics for handling ‘sovereign citizens.’”

<sup>276</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 25-32.

<sup>277</sup> “Sovereign Freedom Fighters Unite,” accessed November 7, 2015, <https://www.facebook.com/Sovereign-Freedom-Fighters-Unite-263397757115577/>.

prison time.<sup>278</sup> “Just as a soldier goes over to Iraq or to Iran or any other country to fight a battle, he is going over there because he loves his country. I can’t do any less,” Barber stated.<sup>279</sup>

### C. THEORIES OF MOTIVES

The Anti-Defamation League (ADL) proffers several reasons as to why an individual would manifest so-called personal sovereignty. The ADL opines that some sovereign citizens may be the products of personal financial stress, which draws people to the movement’s “pseudo-legal ‘solutions’ that offer almost magical ways to get out of...debt.”<sup>280</sup> This financial desperation potentially leads some sovereign citizens to enmesh themselves in the movement’s schemes related to tax evasion, mortgage fraud, tax fraud, and money laundering.<sup>281</sup>

Financially desperate individuals can also serve as prey for scam artists who style themselves as sovereign citizen instructors or advisors. One sovereign citizen website offers “memberships” ranging in price from \$50 to \$1000.<sup>282</sup> These memberships purportedly provide access to “thousands of educated sovereigns in our worldwide network” and “all the case law and references that support your claim to Sovereignty in American Law, so you don’t have to take chances with your freedom, family or property, with experimental political strategies.”<sup>283</sup>

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<sup>278</sup> A judge sentenced Barber to two years in prison in 2013 for mailing a fictitious promissory note to a mortgage company. Despite Barber’s claims of being soldier-like, he appealed his conviction, albeit unsuccessfully.

<sup>279</sup> “Sovereign Citizens: Radicals exercising God-given rights or Fueling Domestic Terrorism?,” *abcnews.go.com*, March 8, 2012, accessed December 4, 2015, <http://abcnews.go.com/US/sovereign-citizens-radicals-exercising-god-rights-fueling-domestic/story?id=15876417>.

<sup>280</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 10.

<sup>281</sup> *Ibid.*

<sup>282</sup> “Sovereign Citizenship.”

<sup>283</sup> *Ibid.*

The ADL also posits that anger and financial instability may propel people to step into the sovereign citizen arena.<sup>284</sup> The ADL hypothesizes the recent U.S. home foreclosure crisis may play a role in the movement's membership.<sup>285</sup> Anger about perceived government intrusion may drive some people toward the sovereign citizen movement, which offers supposed "ways to get around laws...as well as tools of retaliation against government officials."<sup>286</sup> These recommended tools include advice on administrative harassment techniques involving false identification and nonsensical court filings,<sup>287</sup> and more physical methods of defying authority during police traffic stops,<sup>288</sup> sometimes escalating into violence. An example of this type of escalation is the Brent Cole case outlined in the introduction to this thesis, in which a sovereign citizen shot at two law enforcement officers who were attempting to inspect Cole's illegal campsite.

The potential hyper-application of the term sovereign citizen may stem in part from people's innate need to categorize others and their behavior. The end result of these categorization approaches is what psychologist Daniel Kahneman refers to as the "illusion of understanding."<sup>289</sup> Kahneman explains, "Narrative fallacies arise inevitably from our continuous attempt to make sense of the world. The explanatory stories that people find compelling are simple, are concrete rather than abstract...and focus on a few striking events that happened rather than on the countless events that failed to happen."<sup>290</sup>

Other psychologists also offer some insight as to why the law enforcement community and various research organizations may be overextending the sovereign citizen label. Overextension of the sovereign citizen label is potentially due to cognitive shortcuts and stereotypes, according to some theories. Additionally, law enforcement and

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<sup>284</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 10.

<sup>285</sup> "Sovereign Citizens Movement," accessed July 7, 2014, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement>.

<sup>286</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 10.

<sup>287</sup> *Ibid.*, 16-22.

<sup>288</sup> *Ibid.*, iii.

<sup>289</sup> Daniel Kahneman, *Thinking, Fast and Slow* (New York: Farrar, Straus and Giroux, 2011), 199.

<sup>290</sup> *Ibid.*

research ingroups may play a role in how their own members categorize sovereign citizens.

Psychologists Susan T. Fiske and Shelley E. Taylor developed the term “cognitive miser” to describe people’s limited capacity to process social information.<sup>291</sup> Their cognitive miser theory posits that

people are limited in their capacity to process information, so they take shortcuts whenever they can. People adopt strategies that simplify complex problems; the strategies may not be correct or produce correct answers, but they emphasize efficiency. The capacity-limited thinker searches for rapid, adequate solutions rather than for slow, accurate solutions.<sup>292</sup>

In terms of sovereign citizens, law enforcement officers and researchers may be applying the term “sovereign citizen” to individuals who exhibit certain behaviors, without delving deeper to discern if other behaviors indicate those individuals are in fact not sovereign citizens.

#### **D. LAW ENFORCEMENT VIEWPOINT**

Law enforcement officers and researchers may be applying stereotypes when attempting to understand and explain the sovereign citizen movement. One psychologist, Donald C. Pennington, explains that stereotyping can filter out important differentiations. Pennington notes,

[s]tereotypes ignore distinguishing features of an individual by assuming that all individuals perceived to belong to a social group share the same characteristics. As such, stereotypes represent gross oversimplifications of our social world...Stereotypes are oversimplifications of our social world but useful since they help process large amounts of social information and bring order to our social life. However, their very strength is also their weakness.<sup>293</sup>

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<sup>291</sup> Susan T. Fiske and Shelley E. Taylor, *Social Cognition: From Brains to Culture* (London: SAGE Publications, 2013), 15.

<sup>292</sup> Donald C. Pennington, *Social Cognition* (Philadelphia: Taylor and Francis, Inc., 2000), 100-101.

<sup>293</sup> *Ibid.*, 117.

In applying this view on stereotypes to the sovereign citizen context, law enforcement officers and researchers may be ascribing undeserved characteristics to various individuals. For example, labeling all sovereign citizens as violent is potentially overstating a characteristic that describes the behavior of a few sovereign citizens, but is incorrectly extrapolated to many. This overstatement can result in a “confirmation bias,” referencing only those perspectives that strengthen preexisting views, while simultaneously ignoring opinions that challenge those views.<sup>294</sup>

As noted earlier, social psychologist Henri Tajfel theorizes about how the ingroup/outgroup dynamic leads to perceptual segregations.<sup>295</sup> Similar to sovereign citizens, law enforcement and researchers form their own respective ingroups, and in doing so separate themselves from the sovereign citizen outgroup. Social identity theory suggests that “groups have a fundamental need to provide their members with a positive social identity—to establish a positively valued distinctiveness from other groups—in order to maintain their existence.”<sup>296</sup>

Law enforcement officers maintain a positive identity in relation to sovereign citizens by learning sovereign citizen tactics and thereby being better prepared to counteract them. This newfound knowledge represents a shift from the recent past, in which sovereign citizens blindsided law enforcement officers, which earned sovereign citizens the upper hand in the challenge/response cycle. West Memphis (Arkansas) Police Chief Bob Paudert, who lost his son to a sovereign citizen-instigated shooting in 2010, said, “my men didn't realize who or what they were dealing with [in 2010]. Neither officer made it home.”<sup>297</sup> Chief Paudert developed a law enforcement training video to respond to the sovereign citizens’ challenge; in that way, he reasserted law enforcement “honor.”<sup>298</sup>

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<sup>294</sup> Brannan, Darken, and Strindberg, *A Practitioner's Way Forward*, 20.

<sup>295</sup> *Ibid.*, 61.

<sup>296</sup> *Ibid.*, 71.

<sup>297</sup> “Sovereign Citizens and Law Enforcement: Understanding the Threat,” Southern Poverty Law Center video, 0:47.

<sup>298</sup> *Ibid.*

In sum, many law enforcement agencies and research organizations classify the sovereign citizen movement as a serious and growing domestic terrorist threat. The law enforcement community, researchers, and consequently the media, however, frequently present differing views of what constitutes a sovereign citizen, and often neglect to differentiate the wide variety of behaviors the movement encompasses. The lack of clear definition limits those organizations' ability to accurately report and quantify illicit sovereign citizen behavior, both violent and non-violent. This limited ability further results in uncertainty about what the sovereign citizen-based threat actually is, whether counteractive legislative and law enforcement efforts are effective, and whether the sovereign citizen population is increasing.

### **1. Dennis Marx; Georgia, 2014**

Cognitive tendencies and the need to maintain a positive social identity may be why law enforcement officers and researchers reference a 2014 Georgia incident as sovereign citizen-instigated, although evidence points to the opposite conclusion. Roughly a week after the 2014 Brent Cole shootout in California, Georgia resident Dennis Marx violently lashed out against law enforcement officers at an Atlanta-area courthouse.<sup>299</sup> The Marx case arguably has parallels to sovereign citizen ideology, but closer review reveals the sovereign citizen label is misapplied to Marx's situation.

Marx, of suburban Atlanta, had longstanding grievances against local law enforcement. In 2013, he filed a federal civil rights complaint directed at Forsyth County (Georgia) law enforcement officers. Marx alleged the officers had broken down his residence's door with an ax or sledgehammer to arrest him for purportedly selling marijuana while carrying a firearm.<sup>300</sup> In a related April 2014 court motion, Marx listed two dozen sheriff's deputies, the county sheriff, and the county's Special Weapons and

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<sup>299</sup> Alan Blinder, "Gunman Attacks Georgia Courthouse and Dies in Firefight, Authorities Say," *New York Times*, June 6, 2014, accessed July 7, 2014, [http://www.nytimes.com/2014/06/07/us/gunman-attacks-georgia-courthouse-and-dies-in-firefight-authorities-say.html?\\_r=0](http://www.nytimes.com/2014/06/07/us/gunman-attacks-georgia-courthouse-and-dies-in-firefight-authorities-say.html?_r=0).

<sup>300</sup> *Second Amended Complaint, Dennis Marx v. Robert Heagerty et al.*, No. 2:13-CV-00175-RWS (N.D. Ga. Oct. 4, 2013), 6.

Tactics (SWAT) team as defendants.<sup>301</sup> He filed his motion on behalf of “the CITIZENS OF FORSYTH COUNTY, STATE OF GEORGIA and ALL CITIZENS OF THE UNITED STATES OF AMERICA (sic)[.]”<sup>302</sup>

Infuriated and scared of being imprisoned,<sup>303</sup> Marx asserted the SWAT team unnecessarily assaulted him.<sup>304</sup> He claimed the SWAT team had stormed into his house, destroyed his personal property, pinned him to the floor, and assaulted his friend.<sup>305</sup> Marx further stated the SWAT team struck and kicked him, and dragged his friend across the floor.<sup>306</sup> Marx wrote,

officers have engaged in a pattern or practice of unconstitutional and illegal acts, including the use of excessive force during routine police activities, the use of excessive force in response to individuals engaged in protected speech acts, unlawful searches and seizures, and discriminatory policing. In direct violation of Human Rights, the conditions incarcerated inmates (which includes those Citizens who are accused and still presumed innocent, under the guise of The Constitution of the United States)[.]<sup>307</sup>

The federal court put Marx’s civil rights case on hold so the state court could first address his state drug and weapons charges.<sup>308</sup> Unable to move his federal civil rights case forward, Marx began planning a different approach. Two months after his last attempt at a court-based resolution, Marx rigged his home with explosives,<sup>309</sup> then

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<sup>301</sup> *Plaintiff Dennis Marx’s Motion for Leave to Amend the Complaint to Add Defendant(s) and Civil Rights Charges, Dennis Marx v. Forsyth County Sheriff’s Office et al.*, No. 2:13-CV-0175-RWS (N.D. Ga. Apr. 2, 2014), 1.

<sup>302</sup> *Ibid.*

<sup>303</sup> “Courthouse shooter filed several lawsuits against Sheriff’s Office,” *wsbtv.com*, June 6, 2014, accessed July 14, 2015, <http://www.wsbtv.com/news/news/alleged-courthouse-shooter-filed-several-lawsuits-/ngF8Z/>.

<sup>304</sup> Second Amended Complaint, 4-5.

<sup>305</sup> *Ibid.*, 6, 7, and 11.

<sup>306</sup> *Ibid.*

<sup>307</sup> *Civil Rights Complaint, Dennis Marx v. Forsyth County Sheriff’s Office*, No. 2:13-CV-0175 (N.D. Ga. Aug. 2, 2013), 4.

<sup>308</sup> “Courthouse shooter filed several lawsuits against Sheriff’s Office,” *wsbtv.com*.

<sup>309</sup> *Ibid.*

dressed himself in body armor.<sup>310</sup> He placed a gas mask into his rented Nissan Armada to protect himself against his cache of homemade tear gas, pepper spray, and smoke grenades.<sup>311</sup> He also packed flex tie handcuffs and a personal water supply for what authorities later speculated was a plan for a long term hostage situation.<sup>312</sup> Marx then drove to the suburban Atlanta courthouse where he was scheduled to appear that day to respond to the state’s felony drug and firearms charges.<sup>313</sup>

At the courthouse, Marx put his plan into action. He hurled homemade spike strips in front of the courthouse ostensibly to impede law enforcement access.<sup>314</sup> He then took aim at Sheriff’s Deputy James Rush with an AR-15 assault rifle and shot him in the leg; Marx then steered the rented Nissan toward the downed deputy, perhaps in an attempt to run him over.<sup>315</sup> Eight sheriff’s deputies and SWAT team members—the same SWAT team he had listed as defendants in his civil rights complaint—fired back.<sup>316</sup> Marx never made it into the courthouse. He was shot and killed near the courthouse steps, just a few yards away from the area where authorities speculate he planned to carry out his assault.<sup>317</sup>

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<sup>310</sup> Greg Botelho, Elliott C. McLaughlin, and Jason Hanna, “Authorities: Georgia courthouse attacker prepared to inflict mayhem,” *CNN.com*, June 6, 2014, accessed July 2, 2014, <http://www.cnn.com/2014/06/06/justice/georgia-courthouse-shooting/>.

<sup>311</sup> *Ibid.*

<sup>312</sup> Lena Sullivan, “Gunman Dennis Marx ‘threw smoke grenade and shot at cops’ at Atlanta Courthouse,” *Georgia Newsday*, June 7, 2014, accessed June 14, 2014, <http://www.georgianewsday.com/news/248161-gunman-dennis-marx-threw-smoke-grenade-and-shot-at-cops-at-atlanta-courthouse.html>.

<sup>313</sup> *State of Georgia v. Dennis Marx*, No. 12CR-0218 (Ga. Apr. 9, 2012).

<sup>314</sup> Patrik Jonsson, “Forsyth County Courthouse Shooting: Dennis Marx Plotted Sovereign Citizen Attack,” *Christian Science Monitor*, June 7, 2014, accessed July 1, 2015, <http://www.csmonitor.com/USA/2014/0607/Forsyth-County-Courthouse-shooting-Dennis-Marx-plotted-sovereign-citizen-attack-video> and David Neiwirt, “Sovereign Citizen is Suspected in Georgia Courthouse Shooting,” June 6, 2014, accessed August 24, 2014, <https://www.splcenter.org/hatewatch/2014/06/06/sovereign-citizen-suspected-georgia-courthouse-shooting>.

<sup>315</sup> “Deputy recovering after confronting courthouse shooter,” *wsbtv.com*, June 6, 2014, accessed June 7, 2014, <http://www.wsbtv.com/news/news/deputy-shot-forsyth-co-courthouse/ngFsf/>.

<sup>316</sup> Rodney Harris, “Man attempts to take over Forsyth County Courthouse,” *cbs46.com*, June 6, 2014, accessed June 27, 2014, <http://www.cbs46.com/story/25711859/shots-fired-at-forsyth-county-courthouse>.

<sup>317</sup> Botelho, McLaughlin, and Hanna, “Authorities: Georgia courthouse attacker prepared to inflict mayhem.”

In the wake of Marx's courthouse shootout, some law enforcement agencies and media reports categorized Marx as a sovereign citizen.<sup>318</sup> Likely the two most noticeable components of the confrontation led observers to infer this categorization: Marx's violent assault on law enforcement officers, along with his pro se legal filings. Marx's behaviors, however, point in the opposite direction. Most telling is that Marx did not disclaim the government's jurisdiction over him, nor did Marx question the authority of the law enforcement officers who arrested them; rather, he questioned the methods they used against him during his arrest.<sup>319</sup>

Filing rambling pro se legal documents is a common sovereign citizen tactic.<sup>320</sup> Marx did file a pro se legal complaint, but his court filing is quite cogent; it does not reference personal sovereignty nor the validity of the court's jurisdiction.<sup>321</sup> In fact, Marx explicitly states in his filing that the referenced district court is the correct venue.<sup>322</sup> Marx did not reference antiquated, inapplicable laws; rather, he formulated a sound legal argument based on relevant and current civil rights laws.<sup>323</sup> Marx also did not refer to himself as any kind of attorney general or diplomat in an attempt to circumvent applicable law.<sup>324</sup>

Other bits of evidence also negate the likelihood of Marx being a sovereign citizen. Marx reportedly paid his taxes, registered his vehicles, annually renewed his gun permit, and spelled his name with standard capitalization and punctuation in court

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<sup>318</sup> Patrik Jonsson, "Forsyth County Courthouse Shooting: Dennis Marx Plotted Sovereign Citizen Attack" and "Video: Footage of sovereign citizen's 'full frontal assault' on courthouse released," *PoliceOne*, September 15, 2014, accessed December 2, 2014, <https://www.policeone.com/officer-shootings/articles/7564469-Video-Footage-of-sovereign-citizens-full-frontal-assault-on-courthouse-released/>.

<sup>319</sup> *Civil Rights Complaint* (N.D. Ga. Aug. 2, 2013).

<sup>320</sup> Laird, "Sovereign Citizens Plaster Courts with Bogus Legal Filings."

<sup>321</sup> *Civil Rights Complaint* (N.D. Ga. Aug. 2, 2013) and *Second Amended Complaint* (N.D. Ga. Oct. 4, 2013).

<sup>322</sup> *Ibid.*

<sup>323</sup> *Ibid.*

<sup>324</sup> *Ibid.*

documents.<sup>325</sup> Evidence therefore more accurately points to Marx's outburst as the unfortunate violent response of a person frustrated with a specific situation, as opposed to someone denying the validity of an entire government system.

Some law enforcement agencies and researchers still categorize Dennis Marx as a sovereign citizen despite evidence to the contrary.<sup>326</sup> This inclusion may be predicated on the previously discussed cognitive miserliness or stereotyping, in that those agencies and researchers appear to ignore features that distinguish Marx from sovereign citizens. Those who categorize Marx as a sovereign citizen also appear to assume that individuals who file pro se legal documentation in conjunction with violently attacking law enforcement officers all share the same anti-government characteristics, thereby ascribing to them a potentially unwarranted label as sovereign citizens.

## **2. Jerad and Amanda Miller; Nevada, 2014**

A comparison between Dennis Marx and Jerad and Amanda Miller of Las Vegas, Nevada demonstrates that organizations sometimes reach conflicting conclusions about how to categorize violent actors. The Millers appeared at the Bundy ranch in 2014, where local militia members asked them to leave because the Millers were unaligned with the message the attendant militia members wanted to send.<sup>327</sup> "I received word that there was a gentleman who was saying some things that the protesters and some other militiamen felt were not conducive to the cause," said Ryan Payne, a Montana militia leader who was at the Bundy ranch.<sup>328</sup> Jerad Miller also disclosed at the ranch that he was a

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<sup>325</sup> "Mother of courthouse shooter speaks out for the first time," *wsbtv.com*, February 18, 2015, accessed June 27, 2015, <http://www.wsbtv.com/news/news/local/mother-courthouse-shooter-speaks-out-first-time/nkDRG/>.

<sup>326</sup> JJ MacNab, *Anti-Government Extremist Plots as of April 6, 2016*, 2, <http://www.deathandtaxes.com/leostats.pdf>, JJ MacNab, "Sovereign Citizens Prepare for War as Pressure Mounts to 'Demilitarize' Police," *Forbes*, October 10, 2014, accessed November 12, 2014, <http://www.forbes.com/sites/jjmacnab/2014/10/10/sovereign-citizens-prepare-for-war-as-pressure-mounts-to-demilitarize-police/>, Patrik Jonsson, "Forsyth County Courthouse Shooting: Dennis Marx Plotted Sovereign Citizen Attack," and David Neiwirt, "Sovereign Citizen is Suspected in Georgia Courthouse Shooting."

<sup>327</sup> Mike Blasky, Ben Botkin, and Colton Lochhead, "Rejected by the revolution, Jerad and Amanda Miller decided to start their own," *Las Vegas Review Journal*, June 14, 2014, accessed July 1, 2014, <http://www.reviewjournal.com/news/bundy-blm/rejected-revolution-jerad-and-amanda-miller-decided-start-their-own>.

<sup>328</sup> *Ibid.*

convicted felon, which was reportedly “a concern for image-conscious militia leaders who gave the apparently destitute couple some money and sent them” to neighboring Mesquite, Nevada. Payne said the militia leaders “didn’t sense [the Millers] were mad about being asked to leave.”<sup>329</sup>

Prior to their appearance at the Bundy ranch, the Millers were particularly vocal about their anti-government stance. “So, do I kill cops and make a stand when they come to get me?” Jerad Miller wrote in May 2012.<sup>330</sup> “I’m really f\*\*\*ing sick and tired of all these f\*\*\*ing laws and regulations,” Jerad said in a recorded conversation with an Indiana Bureau of Motor Vehicles employee in February 2014.<sup>331</sup> When the employee tried to counsel Jerad about how to get his suspended driver’s license reinstated, Jerad continued, “And if they come to arrest me for non-compliance or whatever, I’m gonna just start shooting people.”<sup>332</sup> “[O]ne day all hell will break lose [sic] and i’ll [sic] be standing in the middle of it with a shot gun [sic] in one hand and a pistol in the other,” wrote his wife, Amanda Miller, in May 2011.<sup>333</sup>

On June 8, 2014, roughly two months after their dismissal from the Bundy ranch, the Millers activated their plan. The day before, Jerad had written, “The dawn of a new day. May all our coming sacrifices be worth it.”<sup>334</sup> The pair, kitted out in camouflage and lugging bags full of ammunition and military rations, ambushed two Las Vegas police officers who were on a lunch break.<sup>335</sup> Armed with handguns, a revolver, knives, and a

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<sup>329</sup> Ibid.

<sup>330</sup> David Neiwert, “Jerad Miller’s Posts at Infowars Included Speculation about Killing Cops,” *Crooks and Liars*, June 12, 2014, accessed July 17, 2014, <http://crooksandliars.com/2014/06/jerad-miller-s-posts-infowars-included>.

<sup>331</sup> Glen Meek, “Threat from Shooting Suspect, Jerad Miller, Caught on Tape,” *8 News Now*, June 11, 2014, <http://www.lasvegasnow.com/news/threat-from-shooting-suspect-jerad-miller-caught-on-tape>.

<sup>332</sup> Ibid.

<sup>333</sup> Mark Potok, “Alleged Las Vegas Cop-Killers in ‘Patriot’ Movement, warned of ‘Sacrifices,’” Southern Poverty Law Center, June 9, 2014, accessed June 27, 2014, <http://www.splcenter.org/get-informed/news/hatewatch-alleged-las-vegas-cop-killers-in-patriot-movement-warned-of-sacrifices>.

<sup>334</sup> Anti-Defamation League, “‘Dawn of a New Day:’ Las Vegas Shooter’s Message,” June 9, 2014, accessed June 26, 2014, <http://blog.adl.org/extremism/dawn-of-a-new-day-las-vegas-shooters-final-message>.

<sup>335</sup> Mike Blasky, Francis McCabe, Colton Lochhead, and Henry Brean, “Shooters carried arsenal, supplies into Sunday rampage,” *Las Vegas Review Journal*, June 9, 2014, accessed June 10, 2014, <http://www.reviewjournal.com/news/las-vegas/shooters-carried-arsenal-supplies-sunday-rampage>.

shotgun, the Millers shot one officers in the head and the other in the throat.<sup>336</sup> After heaving the police officers' bodies from the restaurant booth where they had been seated, the Millers draped the American Revolution-based Gadsden "Don't Tread on Me" flag over one of the deceased officers.<sup>337</sup> "This is the beginning of the revolution," asserted the note that the couple pinned to one police officer's body.<sup>338</sup> The couple also placed a swastika on one of the police officers, not to advocate supremacist viewpoints (which the Millers reportedly didn't maintain), but to mark the police officer as a Nazi-like dictator complicit in decimating the Millers' rights.<sup>339</sup> The Millers then pocketed the police officers' weapons and went to a nearby Walmart. There police shot and killed Jerad, who, true to his word, died for his beliefs shortly after killing a bystander who tried to intervene.<sup>340</sup> Police officers subsequently searched the Millers' home and unearthed plans that appeared similar to Dennis Marx's suburban Atlanta courthouse ambush, which had taken place two days earlier.<sup>341</sup>

Despite the Millers' array of anti-government sentiment and behaviors, some law enforcement officials claim the pair was not part of the sovereign citizen movement. According to the *Las Vegas Review Journal*, one law enforcement official said, "We can't find anything linking these two guys to anybody. If they were a part of a group,

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<sup>336</sup> John M. Glionna and Michael Muskal, "Las Vegas shooting: Killers leave swastika, espoused militia views," *Los Angeles Times*, June 9, 2014, accessed June 17, 2014,

<http://www.latimes.com/nation/nationnow/la-na-las-vegas-shooting-miller-swastika-20140609-story.html>.

<sup>337</sup> Lindsey Bever, "Las Vegas cop killers packed ammo and wore adult diapers as they prepared for their 'revolution,'" *Washington Post*, June 24, 2014, accessed July 1, 2014, <https://www.washingtonpost.com/news/morning-mix/wp/2014/06/24/las-vegas-cop-killers-packed-ammo-and-wore-adult-diapers-as-they-prepared-for-their-revolution/>.

<sup>338</sup> Ibid.

<sup>339</sup> "Anti-government' killers put swastika, flag on Metro Police officer's body," *Las Vegas Sun*, June 9, 2014, accessed June 10, 2014, <http://lasvegassun.com/news/2014/jun/09/police-describe-bloodbath-created-neo-nazi-couple-/>.

<sup>340</sup> Erik Ortiz, "Police Fatally Shot Las Vegas Gunman Jerad Miller During Gunfight," *nbcnews.com*, June 11, 2014, accessed June 16, 2014, <http://www.nbcnews.com/storyline/vegas-cop-killers/police-fatally-shot-las-vegas-gunman-jerad-miller-during-gunfight-n128546>.

<sup>341</sup> Mike Blasky, Francis McCabe, Colton Lochhead, and Henry Brean, "Shooters Carried Arsenal, Supplies into Sunday's Rampage."

they hid it well.”<sup>342</sup> Additionally, a February 2015 DHS Office of Intelligence and Analysis Intelligence Assessment describes the Millers as “individuals motivated by anti-government ideologies but who are not” sovereign citizens.<sup>343</sup>

The Millers’ categorization seems inconsistent with Dennis Marx’s categorization. A number of law enforcement officials and researchers label Marx a sovereign citizen, presumably because he expressed anti-law enforcement sentiment, filed a pro se legal complaint, and shot at police officers.<sup>344</sup> This categorization stands in contrast to the Marx family’s denial that he was affiliated with the movement.<sup>345</sup> The Millers had also expressed anti-government outrage, shot law enforcement officers, and reportedly had plans similar to Marx’s courthouse attack. Yet a number of law enforcement officials and researchers do not categorize the Millers as sovereign citizens.<sup>346</sup>

This conflicting categorization is problematic for law enforcement agencies and researchers. Extending the term “sovereign citizen” to include those who are likely not part of the movement shifts the threat’s scope, not only numerically, but also in terms of definitional quality. Organizations that fail to adequately research perpetrators such as Dennis Marx predicate their content and threat assessments on overinclusion, essentially rendering their research too diluted to describe the threat adequately. Additionally, disharmonized categorization results in confusion about what exactly rises to the level of

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<sup>342</sup> Blasky, Botkin, and Lochhead, “Rejected by the revolution, Jerad and Amanda Miller decided to start their own.”

<sup>343</sup> U.S. Department of Homeland Security, *Sovereign Citizen Extremist Ideology Will Drive Violence at Home, During Travel, and at Government Facilities*, 2.

<sup>344</sup> For example: Patrik Jonsson, “Forsyth County Courthouse shooting: Dennis Marx plotted ‘sovereign citizen’ attack,” *Christian Science Monitor*, June 7, 2014. The Forsyth County (Georgia) Sheriff’s Department also claimed Marx was a sovereign citizen; see David Niewert, “Sovereign Citizen is Suspected in Georgia Courthouse Shooting,” June 6, 2014, accessed June 8, 2014, <https://www.splcenter.org/hatewatch/2014/06/06/sovereign-citizen-suspected-georgia-courthouse-shooting>.

<sup>345</sup> “Mother of courthouse shooter speaks out for the first time,” *wsbtv.com*.

<sup>346</sup> For example, Blasky, Botkin, and Lochhead, “Rejected by the revolution, Jerad and Amanda Miller decided to start their own,” and Catherine E. Shoichet, Kyung Lah, and Ashley Fantz, “Killer Las Vegas couple shouted about revolution, posted rants online,” *CNN.com*, June 9, 2014, accessed June 14, 2014, <http://www.cnn.com/2014/06/09/justice/las-vegas-shooting-couple/index.html?iref=allsearch>.

sovereign citizenship, as demonstrated in the unaligned categorization of the Millers relative to Dennis Marx.

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#### IV. IS THE SOVEREIGN CITIZEN POPULATION INCREASING?

Further impeding the understanding of sovereign citizens is the manner in which researchers calculate sovereign citizen population numbers. Researchers disagree among themselves as to how many sovereign citizens exist. “The loose and unorganized nature of the sovereign citizen movement makes its size difficult to gauge, but it is clear that its membership is well into the tens of thousands, at the very least,” claims an ADL report.<sup>347</sup> Yet the Southern Poverty Law Center (SPLC) says the population number is between 100,000 and 300,000 individuals.<sup>348</sup> One Florida-based newspaper contends the U.S. sovereign citizen population count is even higher, numbering 400,000 individuals.<sup>349</sup> A former DHS researcher acknowledges, “these numbers are just guesses.”<sup>350</sup>

The SPLC’s unsubstantiated calculation is the number that the law enforcement community, other researchers, and the media most often cite. Popular media outlets such as CNN<sup>351</sup> and the *Los Angeles Times*<sup>352</sup> parrot the SPLC’s population numbers, apparently without investigating or objectively assessing the calculation criteria. Other law enforcement agencies and research organizations repeat these numbers, resulting in a fairly widespread usage of the 100,000 – 300,000 sovereign citizen population estimate.

The SPLC acknowledges the overall difficulty with calculating sovereign citizen population numbers. “It is impossible to know how many sovereigns there are in the U.S.

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<sup>347</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 10.

<sup>348</sup> “Sovereign Citizens Movement,” Southern Poverty Law Center, accessed July 2, 2014, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement>.

<sup>349</sup> Caroline Glenn, “Sovereign citizens say they’re above the law,” *Central Florida Future*, March 18, 2015, accessed December 4, 2015, <http://www.centralfloridafuture.com/story/news/2015/03/18/sovereign-citizens-say-law/24978559/>.

<sup>350</sup> Daryl Johnson, “Domestic Terrorism: Extremist Subcultures in America,” presentation (U.S. Department of Homeland Security, Washington, D.C., January 28, 2016).

<sup>351</sup> Evan Perez and Wes Bruer, “DHS intelligence report warns against domestic right-wing terror threat,” *CNN.com*, February 20, 2015, accessed June 4, 2015, <http://www.cnn.com/2015/02/19/politics/terror-threat-homeland-security/>.

<sup>352</sup> Zucchini, “Police teach tactics for handling ‘sovereign citizens.’”

today, in part because there is no central leadership and no organized group that members can join,” reports the SPLC.<sup>353</sup> Despite this acknowledgement, SPLC researchers nonetheless go on to calculate an estimated population number.<sup>354</sup> The estimate is based on a faulty assertion, however; namely, that all sovereign citizens are tax protestors. The SPLC’s website describes the calculation methodology its researchers use to arrive at the 100,000 – 300,000 sovereign citizen population estimate. The website states:

In the mid-1990s, the IRS estimated that there were approximately 250,000 tax protestors in the U.S., people who believe that the government has no right to tax income. Not all of them were full-blown sovereign ideologues. Since the late 1990s, an abundance of evidence suggests that the sovereign citizen movement’s growth has been explosive, although there have been no more recent IRS estimates because Congress in 1998 prohibited the agency from tracking or labeling those who file frivolous arguments in lieu of paying their taxes. But a conservative estimate of the number of all kinds of tax protestors today would be about 500,000. Using this number and information derived from trials of tax protestors and reports from government agencies, a reasonable estimate of hard-core sovereign believers in early 2011 would be 100,000, with another 200,000 just starting out by testing sovereign techniques for resisting everything from speeding tickets to drug charges, for an estimated total of 300,000.<sup>355</sup>

This calculation approach suffers from a number of flaws. The primary flaw is that SPLC researchers do not identify the criteria by which they identify someone as a sovereign citizen.<sup>356</sup> Beyond that, the SPLC website claims an “abundance of evidence” suggests the purported “explosive” growth of the sovereign citizen movement, yet the website provides no explanatory insight, research information, or metrics to support those contentions.<sup>357</sup> The website description also does not describe the criteria that serve as the basis for sovereign citizens who are purportedly “just starting out by testing” sovereign citizen techniques; nor does the website define what the “techniques” are.<sup>358</sup> Overall, a twenty-year-old estimate of tax protestors is arguably an inadequate basis for determining

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<sup>353</sup> “Sovereign Citizens Movement.”

<sup>354</sup> Ibid.

<sup>355</sup> Ibid.

<sup>356</sup> Ibid.

<sup>357</sup> “Sovereign Citizens Movement.”

<sup>358</sup> Ibid.

“a reasonable estimate of hardcore sovereign believers,” particularly when the researchers fail to define the term “hard-core sovereign believer.”

Further problematic is that several researchers who proffer this tax protestor-based estimate fail to apply it in their own research. Specifically, the SPLC and *Forbes* contributor JJ MacNab inharmoniously cite the organization’s 300,000 population estimate while simultaneously identifying as sovereign citizens individuals who are not tax protestors.<sup>359</sup> MacNab, whom *Forbes* describes as “one of the nation’s leading experts on sovereign citizens,”<sup>360</sup> acknowledges, “Sovereigns are...difficult to identify because there is no membership group for them to join, no charismatic leader, no organization name, no master list of adherents, and no consistency in the schemes they promote and buy into.” MacNab nonetheless cites the 300,000 population figure, further opining that “approximately one third of these are...hard-core believers—people willing to act on their beliefs rather than simply walk away.”<sup>361</sup> MacNab does not articulate her methodology that results in the “approximately one third” figure. In any case, because the original 100,000 – 300,000 population estimate is methodologically flawed, follow-on estimates are also faulty.

In conjunction with this mismatch, MacNab also includes perpetrators who fail to meet her self-established criteria within the sovereign citizen definition. “My guess is he’s faking it or there’s something else going on,” MacNab said when discussing one particular individual, Douglas Leguin of Texas.<sup>362</sup> MacNab stated Leguin “is too liberal to be in line with traditional sovereign beliefs. There’s also no record of [Leguin] having

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<sup>359</sup> JJ MacNab, “What is a Sovereign Citizen?,” *Forbes*, February 2, 2013, accessed October 12, 2014, <http://www.forbes.com/sites/jjmacnab/2012/02/13/what-is-a-sovereign-citizen/> (citing the 300,000 estimate) and JJ MacNab, *Anti-Government Extremist Violence and Plots as of April 6, 2016*, <http://www.deathandtaxes.com/antigovviolence.pdf> (listing persons who are not tax protestors as sovereign citizens).

<sup>360</sup> *Forbes*, JJ MacNab biography, accessed December 1, 2015, <http://www.forbes.com/sites/jjmacnab/>.

<sup>361</sup> MacNab, “What is a Sovereign Citizen?”

<sup>362</sup> Stephen Young, “Sovereign Citizens like the Dallas Fire Truck Shooter are Skipping Straight to the Guns,” *Dallas Observer*, August 18, 2014, accessed January 7, 2015, <http://www.dallasobserver.com/news/sovereign-citizens-like-the-dallas-fire-truck-shooter-are-skipping-straight-to-the-guns-7114828>.

engaged in any legal system paper terrorism.”<sup>363</sup> Despite this view, MacNab tendentiously includes Leguin on her list of violent sovereign citizens.<sup>364</sup>

MacNab’s calculations of sovereign citizen-instigated violence contain other inconsistent information as well. Table 1 shows the annual number of incidents that MacNab quantifies as sovereign citizen-instigated violence and plots. I have removed individuals that MacNab identifies as Canadian sovereign citizens from the Table.

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<sup>363</sup> Ibid.

<sup>364</sup> MacNab, *Anti-Government Extremist Violence and Plots as of April 6, 2016*, 3.

Table 1. Number of Violent Sovereign Citizen-Instigated Violence and Plots  
 Source: MacNab (April 2016)

Year	This table excludes the Canadian sovereign citizen numbers MacNab originally included in her count.
2001	0
2002	1
2003	2
2004	3
2005	2
2006	1
2007	2
2008	4
2009	3
2010	6
2011	13
2012	9
2013	9
2014	16
2015	7
2016	5

MacNab’s tallying method is inconsistent in several aspects. First, MacNab’s original count includes Canadian sovereign citizen numbers.<sup>365</sup> Canadian citizens committing violent acts in Canada are outside U.S. law enforcement’s jurisdiction, and are therefore inapplicable to quantifying the U.S. sovereign citizen threat. Second, in at least one year (2014), MacNab’s original count includes four persons whose

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<sup>365</sup> Ibid., 1.

categorization as sovereign citizens is very questionable, as other sections of this thesis discuss (Dennis Marx, Jerad and Amanda Miller, and Douglas Leguin).<sup>366</sup>

MacNab and the ADL have unaligned categorization methods, resulting in discordant population estimates. The ADL created a list of purported sovereign citizen-related incidents, covering the years 2007 to 2010.<sup>367</sup> Notably, some of the violent sovereign citizen-related incidents the ADL reports during this time period conflict with MacNab's list.<sup>368</sup> For example, the ADL lists Richard Bauer, a convicted bank robber and kidnapper, as a sovereign citizen.<sup>369</sup> MacNab's list, however, identifies Bauer as a tax protester, but not a sovereign citizen.<sup>370</sup> The ADL also identifies Ronald Struve, who was convicted of weapons possession, as a sovereign citizen;<sup>371</sup> MacNab categorizes Struve simply as "anti-government," but not a sovereign citizen.<sup>372</sup>

The ADL list also includes violent sovereign citizens who do not appear at all on MacNab's list.<sup>373</sup> The ADL list includes Harold Call, who stockpiled weapons and filed sovereign citizen-style court documents; he was sentenced to eighteen months in prison for possession of an unregistered machine gun.<sup>374</sup> MacNab's list of violent sovereign citizens does not include Call.<sup>375</sup> Also, although MacNab says she includes Canadians on her list, she does not include a Canadian citizen living in the U.S. who pleaded guilty to

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<sup>366</sup> Ibid., 1-2. This thesis discusses these four individuals in prior sections, along with reasoning as to why they do not fit the sovereign citizen profile.

<sup>367</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement, List of Recent Sovereign Citizen Incidents, by State*, accessed June 1, 2014, <http://www.adl.org/assets/pdf/combating-hate/sovereign-citizen-incidents-by-state-2007-2010.pdf>.

<sup>368</sup> MacNab, *Anti-Government Extremist Violence and Plots as of April 6, 2016*, 7-8.

<sup>369</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 13.

<sup>370</sup> MacNab, *Anti-Government Extremist Violence and Plots as of April 6, 2016*, 6.

<sup>371</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 13.

<sup>372</sup> MacNab, *Anti-Government Extremist Violence and Plots as of April 6, 2016*, 7.

<sup>373</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 8-9.

<sup>374</sup> Jeff German, "Gun charge sends man to prison," *Las Vegas Review Journal*, August 24, 2010, accessed November 4, 2015, <http://www.reviewjournal.com/news/gun-charge-sends-man-prison>.

<sup>375</sup> MacNab, *Anti-Government Extremist Violence and Plots as of April 6, 2016*.

domestic abuse in Montana.<sup>376</sup> The perpetrator, Donald Roy Fehr, reportedly threatened a local justice of the peace, carried a pistol, and wore a uniform and badge despite not being a law enforcement officer.<sup>377</sup> Fehr was a member of the “County Rangers,” which the FBI considers to be a sovereign citizens group.<sup>378</sup> Fehr does not appear on MacNab’s list of violent sovereign citizens.<sup>379</sup>

These research techniques are devoid of objective metrics and the results are therefore subject to the researchers’ own individualized, fluid interpretations. These subjectively distorted interpretations may account for the dramatic difference in the population numbers two researchers cite; namely, the ADL claims “tens of thousands” of U.S. sovereign citizens,<sup>380</sup> whereas MacNab states the sovereign citizen population is roughly 300,000 individuals.<sup>381</sup> Interestingly, MacNab cites the SPLC-calculated number while simultaneously employing a categorization method that differs from that of the SPLC.

These calculation techniques lack any rigorous or academically acceptable approach to determining sovereign citizen population numbers. The ad hoc nature of these methods is ineffective for calculating current sovereign citizen population statistics, and consequently fails to serve as an appropriate baseline for assessing if the sovereign citizen population is increasing. The end result of these methods is, at best, divergent estimates of current sovereign citizen population numbers that skew attempts to determine if the sovereign citizen threat is increasing. At worst, these numbers form the basis for faulty intelligence that prevents law enforcement officers from having the

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<sup>376</sup> The footnote on page 1 of MacNab’s *Anti-Government Extremist Violence and Plots as of April 6, 2016* reads, “Canadian cases have been included when US sovereign/patriot ideology has clearly been an influence.” The document does not describe how the influence is researched or calculated.

<sup>377</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 8.

<sup>378</sup> Federal Bureau of Investigation, *Sovereign Citizen Extremists May Use Mock Peace Officer Identification Cards to Impersonate Law Enforcement* (Tampa, Florida: Federal Bureau of Investigation, June 10, 2011).

<sup>379</sup> MacNab, *Anti-Government Extremist Violence and Plots as of April 6, 2016*.

<sup>380</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 10.

<sup>381</sup> MacNab, “What is a Sovereign Citizen?”

information they need to shield their communities from harm and to protect themselves in the best manner possible.

## V. ARE SOVEREIGN CITIZENS TERRORISTS?

Further convoluting the understanding of sovereign citizens is what terrorism expert Dr. Bruce Hoffman describes as “the promiscuous labeling of a range of violent acts as ‘terrorism.’”<sup>382</sup> The term “terrorism” does not have a singular static legal meaning, nor even a substantive definition to which all law enforcement and research organizations subscribe. “No one definition of terrorism has gained universal acceptance,” notes the U.S. Department of State in relation to international terrorism.<sup>383</sup> The same is true for domestic terrorism.

Additionally, some organizations have developed their own respective terrorism definitions that do not necessarily correlate with other organizations’.<sup>384</sup> As a result, what qualifies as terrorism relative to one organization’s definition may not rise to the level of terrorism in another context.<sup>385</sup> At least one law enforcement agency publishes a definition of terrorism that conflicts with the legal definition the agency is required to uphold. Specifically, the FBI website defines domestic terrorism as, “Americans attacking Americans because of U.S.-based extremist ideologies.” That definition does not correctly reflect the federal terrorism law the FBI upholds as a law enforcement agency.<sup>386</sup>

More specifically, the USA PATRIOT Act lays out the definition of domestic terrorism to which the FBI is bound.<sup>387</sup> The Act defines domestic terrorism as activities with the following characteristics:

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<sup>382</sup> Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), 1.

<sup>383</sup> U.S. Department of State, *Patterns of Global Terrorism 2002* (Washington, D.C.: U.S. Department of State, April 2003), xiii.

<sup>384</sup> Hoffman, *Inside Terrorism*, 30-31.

<sup>385</sup> *Ibid.*

<sup>386</sup> Federal Bureau of Investigation, “Domestic Terrorism: The Sovereign Citizen Movement.”

<sup>387</sup> Federal Bureau of Investigation, “Definitions of Terrorism in the U.S. Code,” accessed June 17, 2014, <https://www.fbi.gov/about-us/investigate/terrorism/terrorism-definition> and Federal Bureau of Investigation, “What We Investigate,” accessed November 12, 2014, <https://www.fbi.gov/albuquerque/about-us/what-we-investigate>.

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States.<sup>388</sup>

Examples of the FBI's overextension of the domestic terrorism label in conjunction with sovereign citizens appear in a 2011 report. The 2011 FBI report problematically refers to sovereign citizens as a growing "domestic terrorist movement" yet incongruously cites as examples sovereign citizen-instigated white collar crimes that fall outside the USA PATRIOT Act definition of domestic terrorism.<sup>389</sup> The law requires domestic terrorism to involve "acts dangerous to human life" that appear to be intended "to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping[.]"<sup>390</sup> The FBI's report cites as examples several sovereign citizen-instigated acts that do not fit within those statutory parameters.<sup>391</sup> For example, the report cites the following cases:

- In 2010, a federal jury in California convicted two self-described sovereign citizens of conspiracy, mail fraud, and money laundering for selling car insurance that did not comply with state insurance regulations.<sup>392</sup>

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<sup>388</sup> 18 U.S.C. 2331 (2001).

<sup>389</sup> Federal Bureau of Investigation, "Sovereign Citizens: A Growing Domestic Threat to Law Enforcement."

<sup>390</sup> *Ibid.*

<sup>391</sup> *Ibid.*

<sup>392</sup> U.S. Attorney's Office, Eastern District of California, "Two 'Sovereign Citizens' Sentenced in Illegal Insurance Scam," press release, February 24, 2010.

- In 2010 in Kansas City, Missouri, three reported sovereign citizen extremists were convicted of selling false diplomatic identification cards that purportedly granted diplomatic immunity.<sup>393</sup>

Sovereign citizens who solely engage in non-violent acts, such as administrative harassment, mail fraud, false credentialing, or trespassing, are arguably not engaging in “acts dangerous to human life” and therefore do not meet the legal definition of domestic terrorism.

As previously discussed in this thesis, the July 2014 University of Maryland START study indicates 86 percent of 364 law enforcement respondents from throughout the United States believe sovereign citizens are “a serious terrorist threat” in the U.S.<sup>394</sup> Yet individual state law terrorism definitions vary greatly, and could therefore have distorted the survey results. For example, two states that experienced large scale terrorist acts firsthand have very different legal definitions of terrorism.

Oklahoma, site of the 1995 Murrah Building bombing involving self-described sovereign citizen Terry Nichols,<sup>395</sup> specifically excludes non-violent acts from its statutory definition of terrorism. Oklahoma law defines terrorism as an

act of violence resulting in damage to property or personal injury perpetrated to coerce a civilian population or government into granting illegal political or economic demands; or conduct intended to incite violence in order to create apprehension of bodily injury or damage to property in order to coerce a civilian population or government into granting illegal political or economic demands. Peaceful picketing or boycotts and other nonviolent action shall not be considered terrorism[.]<sup>396</sup>

In comparison, New York state, site of the September 11, 2001 attacks on the World Trade Center, has a terrorism definition that is similar, although not identical, to that of

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<sup>393</sup> U.S. Attorney’s Office, Western District of Missouri, “Three Men Sentenced for Conspiracy to Use Fake Diplomatic Identification,” press release, February 8, 2010.

<sup>394</sup> David Carter et al., *Understanding Law Enforcement Intelligence Processes, Report to the Office of University Programs, Science and Technology Directorate*.

<sup>395</sup> Terry Nichols’s April 2, 1992 letter to the Michigan Department of Natural Resources Law Enforcement states, “I no longer am a citizen of the corrupt political corporate State of Michigan and the United States of America...I am a ‘Non Resident Alien’ to the State of Michigan and the United States of America. I am a natural born human being born in the area you call Michigan not the corporate State of Michigan.”

<sup>396</sup> OK Stat § 21-1268.1(8) (2014).

the USA PATRIOT Act.<sup>397</sup> The New York terrorism definition is more expansive than Oklahoma's, and includes various nonviolent acts.<sup>398</sup>

A disconnect often arises when researchers and law enforcement organizations apply the terrorism label to acts and persons that are not physically violent. For example, some sovereign citizens have achieved demonstrable success in victimizing government officials via a non-violent method that researchers have dubbed "paper terrorism."<sup>399</sup> "Paper terrorism" includes filing frivolous lawsuits and convoluted court filings, including rambling and nonsensical court filings, ostensibly to intimidate, harass, and wear down government officials.<sup>400</sup> As previously addressed in this thesis, fraudulent property liens are another "paper terrorism" tactic that some sovereign citizens use. Some researchers state this type of administrative harassment has increased in recent years, but it is unclear whether sovereign citizens are responsible for the reported increase.<sup>401</sup>

#### **A. THOMAS AND LISA EILERTSON; MINNESOTA, 2009**

So-called paper terrorists Thomas and Lisa Eilertson instigated their false lien-based retaliation against twelve Minnesota individuals in 2009. In retaliation for their home foreclosure, the Eilertsons filed \$114 billion in unfounded property liens against the various government officials and attorneys involved.<sup>402</sup> According to one court filing:

Between 2009 and May 2010, [Thomas Eilertson] and his wife [Lisa] filed Uniform Commercial Code (UCC) liens against people associated with the foreclosure of their home, based on instructions they received from "P.K.," a person they met on the internet. The couple used the name "Blessings of Liberty" rather than their own names on these liens, after

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<sup>397</sup> NY Penal L § 490.05(1-3) (2014).

<sup>398</sup> Ibid.

<sup>399</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 4.

<sup>400</sup> Robert Chamberlain and Donald P. Haider-Markel, "'Lien on Me:' State Policy Innovation in Response to Paper Terrorism," *Political Research Quarterly*, September 3, 2005, 449.

<sup>401</sup> National Association of Secretaries of State, *State Strategies to Subvert Fraudulent Commercial Code (UCC) Filings*, 3.

<sup>402</sup> Emily Gurnon, "Brooklyn Park couple pleads guilty in \$114B harassment plot," *Twin Cities Pioneer Press*, April 5, 2013, accessed July 7, 2014, [http://www.twincities.com/ci\\_22962410/brooklyn-park-couple-pleads-guilty-fake-lien-scheme](http://www.twincities.com/ci_22962410/brooklyn-park-couple-pleads-guilty-fake-lien-scheme).

P.K. instructed them that doing so would insulate them from civil or criminal liability.<sup>403</sup>

In contrast with the Posse Comitatus view that the county sheriff is the government's only true authority, the Eilertsons did not recognize their local sheriff as having any authority over them. Under the name "Blessings of Liberty,"<sup>404</sup> the Eilertsons filed a baseless \$25 million lien against Hennepin County (Minnesota) Sheriff Richard Stanek's property, in addition to filing eleven other false liens against various other persons involved in their home foreclosure.<sup>405</sup> Stanek was involved in the Eilertsons' eviction process in 2010 after their home foreclosure had been finalized. "It affects your credit rating, it affected my wife, it affected my children," Sheriff Stanek expressed. "We spent countless hours trying to undo it," he added.<sup>406</sup>

Once in police custody, the Eilertsons continued their attempts to strong-arm authorities. The Eilertsons did not adhere to a plea deal that would have stayed multi-year prison sentences in exchange for their removal of the twelve false liens and restitution payments.<sup>407</sup> The judge therefore sentenced them each to nearly two years in prison and ordered the Minnesota Secretary of State to rescind the Eilertsons' retaliatory liens.<sup>408</sup> The day before their sentencing, the couple faxed the court ninety-seven pages of garbled Internal Revenue Service (IRS) documentation, bearing the names of the judge, the mortgage lender's attorney, and the county attorney.<sup>409</sup>

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<sup>403</sup> *State of Minnesota v. Thomas Wayne Eilertson*, Appellant, No. 62-CR-12-67 (D. Minn. Jan. 5, 2015).

<sup>404</sup> "Blessings of Liberty" is a phrase from the U.S. Constitution's preamble.

<sup>405</sup> *State of Minnesota v. Thomas W. Eilertson and Lisa Joan-Connery Eilertson*, No. 2108472 (D. Minn. Feb. 2, 2012).

<sup>406</sup> Erica Goode, "In Paper War, Flood of Liens Is the Weapon," *New York Times*, August 23, 2013, accessed July 10, 2014, [http://www.nytimes.com/2013/08/24/us/citizens-without-a-country-wage-battle-with-liens.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/08/24/us/citizens-without-a-country-wage-battle-with-liens.html?pagewanted=all&_r=0).

<sup>407</sup> Gurnon, "Brooklyn Park couple pleads guilty in \$114B harassment plot."

<sup>408</sup> Emily Gurnon, "Minneapolis couple who filed false liens get 2 years each," *Twin Cities Pioneer Press*, June 7, 2013, accessed July 18, 2014, [http://www.twincities.com/ci\\_23413673/minneapolis-couple-who-filed-false-liens-get-2](http://www.twincities.com/ci_23413673/minneapolis-couple-who-filed-false-liens-get-2).

<sup>409</sup> *Ibid.*

Despite court authorities labeling the Eilertsons as “terrorists,”<sup>410</sup> “paper terrorism” activities do not fit within Minnesota’s legal definition of “furthering terrorism.” The Minnesota terrorism law requires an element of violence “to persons or property,” which the Eilertsons did not exhibit. The Minnesota law is as follows:

A crime is committed to ‘further terrorism’ if the crime is a felony and is a premeditated act involving violence to persons or property that is intended to:

- (1) terrorize, intimidate, or coerce a considerable number of members of the public in addition to the direct victims of the act; and
- (2) significantly disrupt or interfere with the lawful exercise, operation, or conduct of government, lawful commerce, or the right of lawful assembly.<sup>411</sup>

The state law notably also requires the alleged terroristic act to impact not just the main targets, but “a considerable number of members of the public” as well. The Eilertsons’ behavior appears not to have fulfilled that prong of the statute either.

Labeling individuals such as the Eilertsons as domestic terrorists, or “paper terrorists,” stretches the terrorism definition beyond its delineated legal confines. Applying hyperbolic labels of domestic terrorism may help draw attention to problematic administrative behaviors some sovereign citizens demonstrate. Such a label, however, may contribute to confusion about the sovereign citizen definition.

## **B. MOTIVATIONAL DIFFERENCES**

A 2015 U.S. Department of Homeland Security (DHS) report highlights that even those sovereign citizens who use physical violence against authorities are arguably often outside the domestic terrorism definition.<sup>412</sup> Although the DHS report refers to violent sovereign citizens as “domestic terrorists,” DHS emphasizes the motivational differences

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<sup>410</sup> Ibid.

<sup>411</sup> MN Stat 609.714 (2002).

<sup>412</sup> U.S. Department of Homeland Security, *Sovereign Citizen Extremist Ideology Will Drive Violence at Home, During Travel, and at Government Facilities*, 2.

between sovereign citizens and “other domestic terrorists.”<sup>413</sup> Generally, “other domestic terrorists may be motivated by personal grievances as well as ideology, [but] rarely do [other domestic terrorists] target a specific individual.”<sup>414</sup> Other domestic terrorists “typically attack symbolic targets to oppose laws and policies they disagree with rather than certain individuals.”<sup>415</sup> In contrast, many violent sovereign citizens do target specific individuals to express opposition to laws and policies. This thesis previously discussed two examples of this type of behavior; namely, Brent Cole’s violent outburst directed at law enforcement officers who questioned his campsite’s legality, and the sovereign citizens who killed the Arkansas police officers during a traffic stop.<sup>416</sup>

DHS further states violent sovereign citizen tactics “are reactive and personal, rather than symbolic.”<sup>417</sup> More specifically, many violent sovereign citizens only engage and react after an authority figure instigates a perceived intrusion upon a sovereign citizen’s perceived rights, via methods such as traffic stops and law enforcement questioning.<sup>418</sup> The DHS report further explains, “By contrast, even when [sovereign citizens] plot their violence over time or threaten attacks, it is often in direct response to an ongoing personal grievance.”<sup>419</sup>

These are key differentiations. Viewing violent sovereign behavior as typically reactionary and personal as opposed to proactive and in pursuit of larger political aims would likely constitute a shift in law enforcement and researcher thinking. In turn, such a shift may necessitate a redefinition of the sovereign citizen outgroup. For example, the previously mentioned local law enforcement START study phrases its questions with the assumption that sovereign citizens are domestic terrorists, yet this label does not conform to the applicable law in many sovereign citizen-instigated administrative or violent

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<sup>413</sup> Ibid., 2-3.

<sup>414</sup> Ibid., 2.

<sup>415</sup> Ibid.

<sup>416</sup> The thesis introduction discusses both of these cases.

<sup>417</sup> U.S. Department of Homeland Security, *Sovereign Citizen Extremist Ideology Will Drive Violence at Home, During Travel, and at Government Facilities*, 2.

<sup>418</sup> Ibid.

<sup>419</sup> Ibid.

incidents.<sup>420</sup> The assumptive START study phrasing demonstrates a disconnect between law enforcement’s understanding and perception of domestic terrorism, reactionary versus proactive behaviors, and what laws correctly apply to administrative behavior versus violent behavior. Overall, “[d]istorted or inaccurate analysis is potentially more dangerous than a complete lack of analysis because it misdirects counter-terrorism efforts by misconstruing the scope, purposes, alliances, or even the identity of different terrorists and terrorist groups.”<sup>421</sup>

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<sup>420</sup> David Carter et al., *Understanding Law Enforcement Intelligence Processes, Report to the Office of University Programs, Science and Technology Directorate*.

<sup>421</sup> Brannan, Darken, and Strindberg, *A Practitioner’s Way Forward*, 19.

## VI. RECOMMENDATIONS AND CONCLUSION

To best understand and quantify the sovereign citizen movement, organizations should recalibrate the vocabulary and categorization methods they use when assessing behaviors that could potentially be sovereign citizen-instigated. Additionally, organizations should establish a baseline for calculating sovereign citizen population numbers. Three approaches can assist with a recalibration.

### A. LIMIT USE OF THE TERRORISM LABEL TO THOSE WHO FIT THE STATUTORY DEFINITION

First, law enforcement agencies and researchers should reconsider the domestic terrorist label in relation to sovereign citizens. “Paper terrorists” do not meet the legal definitions of terrorism, and arguably few violent sovereign citizens meet the legal definitional threshold for categorization as domestic terrorists. The latter are more accurately termed “sovereign citizen extremists.” DHS defines this term as

groups or individuals who facilitate or engage in acts of violence directed at public officials, financial institutions, and government facilities in support of their belief that the legitimacy of U.S. citizenship should be rejected; that almost all forms of established government, authority, and institutions are illegitimate; and that they are immune from federal, state, and local laws.<sup>422</sup>

Recalibrating the label from “domestic terrorists” to “extremists” helps confine the domestic terrorism label to activities and person that align with applicable legal definitions. Continuing to define sovereign citizens as domestic terrorists also complicates the understanding of correctly labeled domestic terrorists as a discrete threat involving actors with different motivations.

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<sup>422</sup> U.S. Department of Homeland Security, *Sovereign Citizen Extremist Ideology Will Drive Violence at Home, During Travel, and at Government Facilities*, 1.

## **B. RECALIBRATE SOVEREIGN CITIZEN POPULATION NUMBERS**

Second, law enforcement agencies and researchers should recognize that the commonly cited sovereign citizen population numbers are based on faulty calculations and are therefore likely incorrect. To rectify this problem, law enforcement agencies and researchers should instead rely on articulated and objective behavioral markers to calculate sovereign citizen population numbers. Once law enforcement agencies and researchers adopt a streamlined definition, they can categorize and quantify the types of behaviors that are increasing, if that is in fact the case.

As a subset of recalculating, law enforcement agencies and researchers should be cognizant of the differing types of animus the movement encompasses; namely, both violent acts and non-violent administrative behavior. As a corollary to this recognition, law enforcement agencies and researchers should determine how frequently sovereign citizen-instigated administrative harassment and fraud serve as precursors to sovereign citizen-instigated violence. This type of correlative research would serve as a useful tool to help court systems and law enforcement agencies mutually develop intelligence that better protects law enforcement officers and other government personnel who interact with sovereign citizens.

Finally, law enforcement agencies and researchers should recognize the futility of generically stating that the sovereign citizen threat is increasing, and shift their threat assessments accordingly. This blanket statement is meaningless without objective standards and behavioral markers attached to it. More specifically, this statement currently does not clarify if sovereign citizen violence directed at authorities is increasing, if sovereign citizen administrative harassment is increasing, or if both are increasing. Law enforcement agencies and researchers should be clear in stating what specific components of sovereign citizen-based behavior are on the rise, if any.

One way to accomplish these three goals is via the development and use of behavioral markers. The application of behavioral markers to suspected sovereign citizen behaviors crystallizes a more effective definition with which law enforcement agencies and researchers can best assess the movement. Applying these markers subsequently

assists in clarifying the sovereign citizen threat's scope and population. This type of standardized definition can better identify what behaviors are posing risks and to whom, as well as clarify if and by how much those particular threats are increasing or decreasing.

Valuable behavioral markers should include references to common sovereign citizen-related behaviors that consist of visible, written, and verbal cues. Visible markers include things that a law enforcement officer could see during an interaction with a potential sovereign citizen, particularly during a traffic stop. Sovereign citizen visual markers include:

- unusual license plates (related to a common sovereign citizen belief that vehicle registration laws do not apply to them)
- false identification cards (related to a common sovereign citizen belief that applying for and accepting government-issued identification dupes them into federal control)
- bumper stickers referencing common sovereign citizen legal views (e.g., the Posse Comitatus, the Uniform Commercial Code, Title IV of the U.S. Code, among others)

Written markers include things a sovereign citizen may write online, in court documents, or in personal documents. Some examples of written markers include:

- written denial of government authority on websites
- written references to common law, the Uniform Commercial Code, or maritime/admiralty law (these references relate to laws that sovereign citizens typically cite to justify their behavior)
- unusual lower case spelling and/or punctuation in personal names (related to a common sovereign citizen belief that adding punctuation or random upper and lower case letters to personal names renders them free of government control)
- written self-identification as a sovereign citizen (on sovereign citizen websites, social media, or in court filings)
- written demand for identification or oath of office from authorities

Additional useful markers should also address acts that constitute physical and administrative animus toward authority figures, such as law enforcement officers, judges, and other government personnel. Physical animus includes sovereign citizen-instigated:

- violence toward government officials (related to the belief that officials do not have authority over sovereign citizens)
- preparing weapons for standoff with authorities
- trespassing and squatting in empty residences (related to the sovereign citizen belief that property laws do not apply to them)

Administrative animus describes non-physically violent acts that some sovereign citizens undertake against government control and jurisdiction. Some examples of sovereign citizen-instigated administrative animus include:

- filing false property liens against authority figures (e.g., law enforcement officers, judges, court personnel)
- filing garbled, nonsensical court filings, typically stating the sovereign citizen is not subject to a particular jurisdiction and should not be subject to law enforcement and court decisions
- engaging in tax fraud (related to a common sovereign citizen belief that the federal government does not have jurisdiction and therefore is not authorized to collect taxes)
- engaging in mortgage fraud (related to a common sovereign citizen belief that property laws do not apply to sovereign citizens)

## **C. CONCLUSION**

Reshaping the manner in which organizations define and quantify anti-government behavior is key to enhancing law enforcement officer safety and community protection. Using consistent behavioral markers would help organizations better identify if law enforcement education efforts and legislative changes are effectively counteracting illegal sovereign citizen behaviors. A focus on continuity in definitions will also help determine if the sovereign citizen population is increasing, decreasing, or remaining unchanged. Most importantly, tracking behaviors with consistent markers will help ascertain whether certain non-violent sovereign citizen behaviors are precursors to violence and if so, how frequently. And finally, restricting the domestic terrorist label to

those who meet applicable legal criteria helps prevent dilution of the term. Ultimately, these changes can assist organizations with better understanding the sovereign citizen movement, positively impacting both law enforcement officers' personal safety and their understanding of how best to protect their communities.

Table 2. Proposed Sovereign Citizen Behavioral Markers and Application to Cited Cases

	Visible (e.g., something visually noticeable, particularly on a traffic stop)	Written (e.g., something written online, on an ID, or in a court document)	Verbal (e.g., something stated aloud during a traffic stop or to a court)	Physical Animus (e.g., toward gov't authorities)	Administrative Animus (e.g., toward gov't authorities)
Brent Cole (CA)	Unregistered vehicle	Internet postings  Unusual name punctuation  Written claim of sovereignty	Self-representation in court w/sovereignty comments	Non-fatal shooting at officers	Garbled court filings related to 2014 traffic stops
Thomas and Lisa Eilertson (MN)		Rambling court filing	Stated "I do not consent to this [court]" during proceeding		Filed \$117 billion in false liens
Dennis Marx (GA)				Non-fatal shooting at officer	

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