



Training Key® #677

Sovereign Citizens

The sovereign citizens movement is comprised of a group of individuals who hold strong anti-government feelings. Law enforcement officers should be able to identify such individuals and respond accordingly in an effort to enhance safety.

Note: Many people in the United States adhere to a sovereign citizen ideology. Most of them do not commit any crimes, and their views are constitutionally protected. This Training Key® discusses primarily the criminal element among the sovereign citizen movement.

On the morning of May 20, 2010, 16-year old Joseph T. Kane was travelling with his father, Jerry Kane, from Las Vegas to Florida. He was a young man on an adventure with hopes and dreams of a bright future. Before the day was over, Joseph would murder two West Memphis, Arkansas, police officers in one of the most appalling acts ever captured by in-car camera video. Then, both he and his father would die in a harrowing shootout with multiple law enforcement agencies. Subsequent investigation revealed that Joseph and his father were sovereign citizens.¹

Intelligence indicates that the two officers shot in West Memphis were among at least eight law enforcement officers murdered by sovereign citizens since 2000. These statistics include the 2003 shooting and kidnapping of Abbeville County, South Carolina, Sheriff's Deputy Sergeant Daniel "Danny Boy" Wilson, who died during the ensuing 14-hour standoff over a highway right of way dispute;² and the two deputies killed by ambush near New Orleans in Saint John Parish, on August 16, 2012.³ Currently, "the FBI considers sovereign-citizen extremists as comprising a domestic terrorist movement, which, scattered across the United States, has existed for decades, with well-known members, such as Terry Nichols, who

helped plan the Oklahoma City, Oklahoma, bombing."⁴

The Movement

The sovereign citizens movement is a descendent of the posse comitatus and militia movements of the 1970s and 1980s and is believed to be expanding in the United States. They are a faction of the overall "Patriot" belief system and hold strong anti-government feelings. They may refer to themselves as "freemen on the land," "patriots," "flesh and blood sovereign human beings," or any number of other terms in an effort to distinguish themselves from everyday members of the community. While some anti-government groups unilaterally reject the authority of almost all levels of government, members of the sovereign movement expressly deny the authority of the U.S. Federal Government, based on a specific view of U.S. history.

Sovereigns believe that the U.S. Government (referred to as the "de facto government") is actually a corporation that exists in conflict with the U.S. Constitution. They believe that the original U.S. Constitution recognizes only that the United States of America is a united group of states, but does not allow for the federal government to pass and enforce most law. They state that the Fourteenth Amendment was an effort to strip people of their own inalienable rights, and subjugate them to only those privileges allowed by the federal government. The theory is that only Washington, D.C., and some limited other lands are actually under the jurisdiction of the federal government, a

separate entity from the collection of states that make up the United States of America.

Per sovereign beliefs, only people born or naturalized in those areas are subject to most federal laws, including income taxes. The sovereigns make a further claim that the federal government forms a “straw man” trust account in each person’s name when the parents record the person’s birth with a hospital. The theory is that the birth certificate process through the county health department is reported to the state Department of Health, and then to the U.S. Department of Commerce, which creates a trust account in the person’s name. This trust account is commonly referred to as the individual’s “straw person.” The U.S. Treasury then borrows the money from one of the Federal Reserve banks. The scheme is that the federal government uses each person’s earning potential as collateral to guarantee the value of Federal Reserve Notes.

The most extreme of the sovereigns believe that each person’s individual earning potential is used as specific collateral when the federal government takes loans from foreign governments, effectively ceding that person’s lifetime earnings to the foreign government. Per sovereign dogma, the number on the back of a social security card is the Federal Reserve trust account that tracks the “straw person’s” economic value to the federal government. The basic premise is that the federal government, specifically when identified as the United States (separate from the United States of America) is actually a corporation designed and placed to collect money from the citizens. The distinction between the United States and the United States of America (sometimes capitalized and/or punctuated creatively) is important to many sovereigns. For them, the United States implies that the federal government is the supreme organization over the states, while the United States of America implies that the states are the supreme authority within their borders, and have a collective agreement as a republic.

The details of the conspiracy vary from one sect to another, but all agree the federal government is engaging people in secret contracts when they sign documents like driver’s licenses and social security cards. Generally, the first contract an individual enters into is at birth, when issued a birth certificate. In many groups, the belief is that the “straw man” is referred to when a person spells their name in all upper case letters, while the name spelled in a combination of upper and lower case letters refers to the actual individual.

Some sovereigns, actively reject their U.S. citizenship and rely on their “God-given rights” as a sovereign citizen in an effort to separate themselves from this supposed conspiracy. Many embrace citizenship of a state or a county, but a few do not recognize any conventional government authority. The movement is politically far right wing, feverishly preaching limited government and nearly unlimited personal freedoms. The ideology rests on the concept that there are only two basic laws, sometimes referred to as common law:

1. Do all you have agreed to do, and
2. Do not encroach on other persons or their property.

All other laws are part of the grand, government/pseudo-corporate scheme to control people and collect money from them. They believe “victimless” violations are not crimes. For example, driving under the influence and speeding are not crimes unless the driver crashes and someone is victimized. The sovereign view of the federal government can be effectively summarized by the following: “The enemy wants to rob you. That’s how he gets his income and makes a living. Ultimately, it’s your own determination, ingenuity, and resourcefulness that will deflect the enemy to seek out an easier mark.”⁵

Opting Out

Many sovereigns seek to clarify that they deny U.S. citizenship by filing or recording legal, or legal-appearing, documents. The documents state that the sovereign rejects any “hidden or adhesion contracts” supposedly triggered by things such as using Federal Reserve Notes, a bank account, a social security number, a driver’s license, state license plates on a car, tax returns, birth certificates, marriage licenses, public school systems, declaration of U.S. citizenship, voter registrations, or even 2-letter state abbreviations and zip codes. However, many sovereigns concede that it is difficult to actually not use any of those things, so they conform under protest.

Interestingly, the idea of opting out has spawned a cottage industry of “Patriotism for Profit.” Many groups and individuals have taken it upon themselves to offer information, advice, and kits that they advertise will enable people to rid themselves of the requirement to obey many federal laws and regulations. The claims range from being exempt from taxes, to mortgage forgiveness and even the potential to cash out their federal “straw man” and collect hundreds of thousands of dollars from the Federal Reserve Bank. Offered for sale are official appearing “travel warrants,” “identification warrants,” and a variety of license plates from nonexistent places such as the Washitaw Nation or the Kingdom of Heaven.

Travel is a crucial issue for sovereigns. They adhere strictly to the idea that only commercial travel may be regulated by the government, and believe certain terms trigger the government’s legal standing. In sovereign understanding, the term “vehicle” means that it is used for commerce, and the government may require a driver’s license and registration for taxation purposes. Sovereigns operate “conveyances” and may emphatically state that they are travelling for private purpose, under their personal freedom, and therefore are required to have neither a driver’s license nor vehicle registration.

Sovereign groups sell aspiring sovereigns books and collections of documents to complete and file. Such groups also conduct regular seminars. The groups will charge other sovereigns hundreds of dollars, often as donations to church entities formed by

the group, which helps avoid taxation. When Joseph Kane murdered the West Memphis officers, he was traveling from one of the sovereign seminars that his father had conducted.

Although most sovereigns are, intentionally, very loosely affiliated, a few groups have rejected the U.S. Federal Government so thoroughly that they are forming separate governments of their own. The group Republic for the United States (known as RuSA) states frankly that their “plan is a bold, achievable strategy for behind-the-scenes peaceful reconstruction of the de jure institutions of government without controversy, violence or civil war.”⁶ RuSA takes credit for the warrants ordering a “return to common law” delivered to all 50 state Governors on March 30, 2010.

Who Are They?

Because the sovereigns seek to interact as little as possible with the government, an actual count of their numbers may be impossible, but the Southern Poverty Law Center estimates that there may be as many as 300,000 sovereigns in the United States, with varying degrees of commitment to the cause.⁷ Their individual motivations may range from a desire to not pay taxes to a true and deep sense of patriotism and dissatisfaction with the current federal government. They may simply protest the current system, but actually follow the rules, or they may reject the system entirely and follow no regulatory rules at all. Most fall somewhere in between. What is certain is that there are many of them, and they can be found all over the United States. The troubled economy and foreclosure crisis are believed to have contributed to the growth of the movement, as well as the polarization of national politics.

Criminal Behavior

If a person adheres to the basic tenants of the sovereign ideology, they will commit a variety of nonviolent crimes. Faithful and active sovereigns may refuse to pay taxes, obtain drivers licenses or vehicle registrations, and may wage relentless campaigns of frivolous legal action to justify their behavior. In some cases, sovereigns, singly or in groups, move on to financial crimes such as real estate title fraud, insurance fraud, and attempting to seize real property through squatting.

Most of the sovereigns’ crimes are nonviolent, such as false liens, insurance fraud, and various forms of tax evasion, but some are very dangerous. Many sovereigns identify with Revolutionary War Minutemen or militia movements. Their forums on the Internet commonly have references to defending their perceived rights with violence if confronted by law enforcement. The previously mentioned deadly incidents give testimony to the dangers some sovereigns pose.

Common Themes and Some Current Trends

Using “sovereign citizen.” The members of the general population who identify with the sovereign ideology are aware that the movement has come under

law enforcement scrutiny. Use of the term “sovereign citizen” is discouraged in blogs and on sovereign websites. Variations such as “sovereign person,” “free traveler,” “sovereign Americans (the capitalization is important),” or just “patriot” are becoming more popular. The variations may be endless.

Displacing the federal government. Discussions of the perception that the current U.S. Federal Government is in violation of the U.S. Constitution and must be replaced (typically non-violently) are common. Self-reliance and independence are very strongly encouraged, but a few groups such as the RuSA are trying to attract and organize a large numbers of participants. RuSA’s statement that they are appointing “American Rangers” is alarming. The face of their Certified American Ranger Warrant states: “American Rangers are armed and shall protect and enforce the Constitution laws by Order of the Executive, Legislative and Judicial branch of Government of the united States of America and the Republic in which they stand July 4, 1776 c. 2010” (capitalization in original, emphasis mine).⁸

De Facto vs. De Jure Government. Sovereigns object in general to the federal government and refer to it as the “De Facto” government. Their belief is that the De Facto government exists to control and limit the populace. In contrast, they believe that the government envisioned by the founding fathers was a de jure government, with all power vested into the populace. Much of the sovereign dialogue revolves around how to restore the de jure government.

Financial fraud. Financial fraud is still a favorite tactic of many groups. As a more sophisticated extension of the idea of false liens, some groups, such as the “Moorish” groups like the Moorish American National Republic are squatting in uninhabited homes and capitalizing on eviction law to hold the properties for periods of time. A related scheme is trying to claim land with a Land Patent. In theory, if a sovereign places a patent on a parcel of land properly, the land and any structures on it belong solely to the sovereign and his or her heirs forever. The parcel will no longer be subject to taxes or mortgages, if properly patented. Completely fraudulent insurance policies and baseless tax (evasion) advice are also popular with some groups.

The battle flag. A very common sovereign theory is that a gold fringe border on an American flag distinguishes that flag as a “battle flag.” An American flag with a gold fringe border flown in a courtroom therefore identifies that court as an “admiralty court,” which has jurisdiction only over maritime commercial law. The theory extends from there to that if it is a maritime commercial court, then the sovereign cannot be charged with a crime in that court.

Martial law and a state of emergency. On September 15, 1863, President Abraham Lincoln suspended the privilege of the writ of habeas corpus and on July 5, 1861, he placed the United States under martial law. Many sovereigns state that these measures have remained in place to this day, which is why admiralty

courts are permitted to exercise jurisdiction throughout the United States. In March of 1933, President Franklin Delano Roosevelt proclaimed a state of emergency, and Congress passed the Emergency Banking Act, which took the Federal Reserve off of the gold standard. The sovereign theory is that state of emergency exists to this day, which makes the president a virtual dictator. In fact, the state of emergency is not in effect, and in 1976 and 1977 Congress passed legislation specifically limiting presidential power concerning states of emergency.

Magic word defenses. Another legal theory used by sovereigns is that certain words, combinations of words, or punctuation of words (particularly their names) directly impact legal proceedings, to the point that they can virtually become a “get out of jail free” card. Sovereigns have given courts written positions such as, “I am unable to ‘appear’ in the air of your de facto court, but do attend in conference with interest and with my standing on the land. I cannot enter your realm or give plea under color-of-law, in this situation and without true ‘legal advice of counsel’ and your guarantee of protection of my natural rights and civil rights.” Documents like this may be in elaborate fonts, with official-appearing seals and colorful borders. They may be signed in red crayon or bear a thumbprint in blood. The language commonly refers to various types of bonds, characterizes criminal charges as torts, and denies that the sovereign ever entered into a contract or joinder to do business with the prosecutor or victim. Courts regularly ignore efforts like these, or even find the sovereigns in contempt and remand them to custody on the spot.

Names. Names hold a special authority for sovereigns. For many sovereigns, a name spelled in all upper case letters refers only to the sovereign’s “straw person” legal entity, not to the flesh-and-blood human being. Therefore, if court or tax documents spell a name in all uppercase letters, then the documents do not refer to the sovereign themselves, only the “straw person.” The actual individual does not have to comply with the documents in any way. There are many ways to punctuate names as well. A colon in between the first and surname may have significant legal value, or following the full name with “Sui Juris” (competent to handle my legal affairs) may indicate that they are not submitting to any hidden adhesion contract with the government. Signatures may also be followed with a note of “under duress” or simply “TDC,” for threat, duress, and/or coercion.”

Officer Safety

Many sovereigns that officers encounter may identify strongly with the minutemen of the American Revolutionary War. If so, they almost certainly believe in a strict constructionist view of their Second Amendment right to keep and bear arms. They may be heavily armed, collecting caches of weapons. The murders against law enforcement officers in Abbeville, South Carolina, in 2003; West Memphis, Arkansas, in 2010; and Saint John Parish, Louisiana,

in August 2012 were all carried out with rifles capable of penetrating most officers’ body armor.

When officers make encounters, they should be aware of indicators of a sovereign belief system. Many sovereigns are public about their beliefs and will advertise them on their vehicles (conveyances) and dwellings.

The most common tactic for sovereigns is a steadfast refusal to provide information or comply with simple instructions. They are likely to respond to any question with a counter-question, “Under what authority are you detaining me?” They may also produce an official-looking questionnaire for the officer with distracting content, such as, “Will Public Servant read aloud the portion of the law authorizing the questions Public Servant will ask?” and “yes” or “no” check boxes provided for the officer’s convenience, in order to delay and confound the officer.¹⁰

One effective response to these tactics is a patient but guarded and methodical approach to find the information needed. Officers should establish the individual’s identity; ask about weapons; keep the individual under close watch by backup officers, if available; and get the vehicle identification number. As stated on the sovereigns’ website, their goal is to make the contact so difficult and confusing that the officer chooses to simply ignore violations. A growing tactic is videotaping every encounter. Officers should take videotaping in stride and behave with customary professionalism. If the sovereigns are videotaping, they are in essence acting as a freelance journalist and are within their rights.

Another emerging trend is a phone tree. There have been instances of sovereigns calling compatriots to the scene of the encounter for support. The responding sovereigns may be a nuisance to the officers, demanding to know what the circumstances of the encounter are and stating that civil rights are being violated. These situations have the potential to develop very dangerously, and should be approached with caution.

Vehicle Stops. “Don’t Tread On Me” signs, placards that identify the vehicle as “personal transportation only - no commercial use,” or obviously unofficial license plates should warn an officer of a possible encounter with a sovereign. Officers should approach these individuals with a heightened sense of caution and request backup immediately. Several of the known murders by sovereigns were conducted from ambush or as an abrupt attack during the contact with law enforcement officers. As with most interactions with the public, the first seconds of contact with a sovereign may be the most dangerous and can indicate much about how the rest of the incident will play out.

If the sovereign offers documents other than what is needed, the officers should consider simply refusing to read or even handle the documents. The goal of the sovereign is to confuse and harass the officer, and giving the documents credence will aid that goal. A successful strategy is to patiently keep the things moving forward, while remaining vigilant against attack.

Once the officer has the information necessary to take enforcement action, he or she should do so.

Dwelling Contacts. “No Trespassing” signs may have very specific content that can indicate a sovereign belief system, such as “you are hereby notified that the owner(s) of this property requires that all public officials, agents, or person(s) to abide by the ‘Supreme Law of the Land,’ the U.S. Constitution and ratified Amendments thereto... A government official, agent, or any other person(s) entering this property without the express consent of the owner(s) and without a proper warrant... will be considered an intruder... Violations can trigger fines of up to \$10,000.00... Use of necessary force may be used, at the sole discretion of the owner.”¹¹ Sovereigns may also hang older versions of the United States flag or hang the United States flag upside down, which is a sign of dire distress. Officers should recognize indicators that the occupants may adhere to a sovereign ideology and proceed with caution.

If officers are going to serve a search or arrest warrant, they must plan very carefully. The St. John Parish murders were committed by a small group that had been under surveillance in DeSoto Parish in the previous few months.¹² One of the shooters, Kyle David Joekel, was wanted for several felonies including Failure to Appear; Deliver/Intent to Deliver Controlled Substance Class III Felony; Conspiracy to Commit a Class III Felony; Resist Arrest.¹³ In addition, he was known to have extremist sovereign beliefs, and had made threats against law enforcement previously.¹⁴ Another shooter, Terry Lynn, is reported to have filed bogus legal actions against a different Saint John Parrish police officer before the attacks, an indication of a sovereign belief system.¹⁵ Thorough intelligence gathering and de-confliction may prove invaluable to execute a warrant as safely as possible.

Conclusion

As stated, the sovereign movement is a faction of the overall “patriot” mind-set. While most “patriots” are within their civil rights and no more violent than the rest of society, some are very dangerous. Many members of the general population have held patriot beliefs for decades, and there is no reason to believe that individuals will ever completely abandon this ideology. Local intelligence about sovereign or patriot groups is essential. While not all areas of the United States may have an organized group, there are almost certainly individuals who hold a sovereign or patriot ideology. Officers should be aware of the individuals in their area, and plan encounters with them accordingly.

Acknowledgment

Captain Thom Jackson was hired as a State Trooper in 1994. During his career, Captain Jackson has conducted training in use of force, firearms, and pursuit driving, crash investigation, parole and probation, and personnel and risk management. Captain Jackson also serves in leadership roles on statewide policy commit-

tees on training, use of force, and weapons and tactics. Currently, Captain Jackson is assigned as the commander of the highway patrol urban traffic enforcement bureau of a large city in the southwestern United States.

Endnotes

¹ Chuck Bartels and Kelly P. Kissel, “Anti-Government Man Jerry Kane Jr., Teenage Son Reportedly Killed Police in Deadly Shootout,” *Politics, The Huffington Post*, May 22, 2010, http://www.huffingtonpost.com/2010/05/22/jerry-kane-joseph-antigovernment_n_586127.html (accessed June 4, 2013).

² “Deadly Domains: Standoffs with Extremists,” *ADL Officer Safety Bulletin*, December 15, 2003, http://archive.adl.org/learn/safety/deadly_domains.asp (accessed June 4, 2013).

³ Claire Galofaro, “St. John Sheriff Shootings Put ‘Sovereign Citizens’ Anti-Government Movement in Spotlight,” *The Times-Picayune*, October 6, 2012, http://www.nola.com/crime/index.ssf/2012/10/st_john_sheriff_shootings_puts.html (accessed June 4, 2013).

⁴ FBI’s Counterterrorism Analysis Section, “Sovereign Citizens: A Growing Domestic Threat to Law Enforcement,” *FBI Law Enforcement Bulletin* (September 2008), <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/september-2011/sovereign-citizens> (accessed June 4, 2013).

⁵ Sovereign Services, “Report #PCT07: Understanding Common Law” (1994), <http://www.buildfreedom.com/tl/pct07.shtml> (accessed June 4, 2013).

⁶ “Your Future,” Republic of the United States of America, <http://www.republicoftheunitedstates.org/what-is-the-republic/restored-america-history/>, (accessed June 4, 2013).

⁷ J.J. MacNab, “‘Sovereign’ Citizen Kane,” *Southern Poverty Law Center Intelligence Report* 139 (Fall 2010), <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/fall/sovereign-citizen-kane#.UYaV8YGTyF8> (accessed June 4, 2013).

⁸ “The Certified American Ranger Warrant,” Bureau of Republic Records, Republic for the United States of America, http://www.bureauofpublicrecords.org/Pages/id_car.html (accessed June 4, 2013).

⁹ Jessie Higgins, “Are Legal Maneuvers Worth a Sovereign?” *The World*, October 22, 2011, http://theworldlink.com/news/local/are-legal-maneuvers-worth-a-sovereign/article_eee7e466-72ea-540c-9af4-d4a7d102bd53.html, (accessed June 4, 2013).

¹⁰ See a good example of a sovereign questionnaire at http://www.rex-ano.org/RegAgency/Public_Servant_Questionnaire%20adapted_by_Bob_Hurt.pdf, (accessed June 4, 2013).

¹¹ An example of a no trespassing sign popular with the sovereign citizen movement can be found at <http://www.narlo.org/images/sign.jpg> (accessed June 4, 2013).

¹² Gordon Russell, “Picture of Suspects in St. John Parish Shootings Starting to Emerge,” *The Times-Picayune*, August 17, 2012, http://www.nola.com/crime/index.ssf/2012/08/picture_of_5_suspects_in_st_jo.html (accessed June 4, 2013).

¹³ Gage County, Nebraska, Sheriff’s Office, “Most Wanted, Kyle David Joekel” poster, http://www.gage-ne-sheriff.us/most_wanted/joekel (accessed June 4, 2013).

¹⁴ Russell, “Picture of Suspects in St. John Parish Shootings Starting to Emerge.”

¹⁵ “Alleged ‘Sovereign’ Cop-Killer Tried for Federal Gun-Dealing License,” posted by Bill Morlin, Extremist Crime, Sovereign Citizens, *Hatewatch* (Southern Poverty Law Center blog) August 20, 2012, <http://www.splcenter.org/blog/2012/08/20/alleged-sovereign-cop-killer-tried-for-federal-gun-dealing-license/>, (accessed June 4, 2013).

questions

The following questions are based on material in this *Training Key*®. Select the one best answer for each question.

1. Which of the following is not a belief of the sovereign citizens movement?
 - (a) *The U.S. Government is actually a corporation.*
 - (b) *Only individuals born or naturalized in Washington, DC and some limited other lands are subject to federal laws, including income taxes.*
 - (c) *All travel may be regulated by the government.*
 - (d) *Each person's individual earning potential is used as collateral when the federal government takes loans from foreign governments.*
2. Which of the following are common tactics used by sovereign citizens?
 - (a) *Refusing to pay taxes or obtain drivers licenses or vehicle registrations.*
 - (b) *Filing false liens and participating in real estate or insurance fraud.*
 - (c) *Stockpiling caches of weapons and using the weapons for defense purposes stemming from the idea that martial law, instituted by Abraham Lincoln in 1863, is still in effect.*
 - (d) *All of the above.*
3. When interacting with sovereign citizens during traffic stops, officers should do all of the following, except
 - (a) *Be patient, but guarded, and use a methodical approach to find the information needed.*
 - (b) *Call for backup.*
 - (c) *Ignore violations to avoid dealing with the variety of stalling tactics used.*
 - (d) *Consider refusing to read or handle documents other than those necessary to the stop.*

answers

1. (c) Sovereign citizens believe that only commercial travel may be regulated by the government. Only if a "vehicle" is used for commerce may the government require a driver's license and registration for taxation purposes.
2. (d) All of the above.
3. (c) Sovereign citizens may use a variety of tactics with the goal of making the contact so difficult and confusing that the officer chooses to simply ignore violations.

