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THESIS

**WEAPONS OF MASS DISTRACTION: STRATEGIES
FOR COUNTERING THE PAPER TERRORISM OF
SOVEREIGN CITIZENS**

by

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March 2018

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PAPER TERRORISM OF SOVEREIGN CITIZENS**

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ABSTRACT

Sovereign citizens and other anti-government groups affect the judicial system through a tactic known as “paper terrorism,” clogging the courts with nonsensical, voluminous filings, phony lawsuits, and false liens against public officials as a form of harassment and intimidation. This behavior is sometimes a precursor to violence. As such, this thesis examines legislative measures in various jurisdictions to thwart paper terrorism, particularly directed against the courts and judicial officials. An exploration of the origins of the movement’s history, tactics, violent tendencies, and ideology provides an understanding of the mindset behind this behavior, which, in turn, informs recommendations for prevention and deterrence. Comparative analysis of available policy solutions endeavors to validate this hypothesis. The analysis targets five states for further study. A survey of court professionals provides insight into the depth of the problem and effectiveness of solutions. The findings of this project suggest that no single solution is completely effective; still, this research concludes with recommendations for multiple levels of legislation and administrative procedures.

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	RESEARCH QUESTIONS.....	3
B.	LITERATURE REVIEW	3
1.	Domestic Terrorism in the United States.....	4
2.	Analytical Framework.....	8
C.	RESEARCH DESIGN.....	12
1.	Data Sources.....	13
2.	Type and Mode of Analysis.....	13
D.	CHAPTER OVERVIEW	13
II.	BACKGROUND	15
A.	THE ORIGIN OF SOVEREIGN CITIZENS	15
1.	United States.....	16
2.	Globalization of the Movement.....	20
B.	IDEOLOGICAL MARKERS	24
C.	HISTORY OF VIOLENCE	28
D.	CLASSIFYING SOVEREIGN CITIZENS AS TERRORISTS	32
III.	POTENTIAL SOLUTIONS.....	39
A.	POLICY PROPOSAL	39
B.	LEGISLATIVE ACTION.....	42
C.	VEXATIOUS LITIGANT RULES / LAWS.....	49
D.	ANALYSIS	52
IV.	THE SURVEY: COURT STAFF OBSERVATIONS	57
A.	SAMPLE SELECTION.....	57
1.	California.....	59
2.	Florida.....	63
3.	Georgia.....	68
4.	Nevada.....	71
5.	New Jersey	76
6.	Selection Overview.....	80
B.	PURPOSE.....	82
C.	DATA SOURCES	82
V.	SURVEY RESULTS.....	85
A.	SURVEY RESPONSES.....	86

B.	SUMMARY OF SURVEY RESULTS	100
VI.	RECOMMENDATIONS AND CONCLUSION	101
A.	RECOMMENDATIONS.....	102
1.	Impose Criminal Penalties	102
2.	Authorize Disciplinary Procedures	104
3.	Enact Vexatious Litigant Laws.....	106
4.	Promote Training for Court Officials and Staff	107
5.	Deliver Procedural Justice	107
6.	Treat Sovereign Citizens Fairly but Firmly	108
7.	Notify Local Fusion Center, Sheriff, or Police	110
8.	Use Self-Help Websites to Provide Legal Assistance	112
9.	Develop Counter-Narrative on Internet	113
10.	Perform Competency Evaluations.....	114
11.	Connect to Social Services or Financial Counseling.....	114
B.	CONCLUSION	115
	APPENDIX A. IRB APPROVAL.....	117
	APPENDIX B. SURVEY RECRUITMENT EMAIL.....	119
	APPENDIX C. FOLLOW-UP EMAIL.....	121
	LIST OF REFERENCES	123
	INITIAL DISTRIBUTION LIST	139

LIST OF FIGURES

Figure 1.	Anti-government Groups in the U.S. by State	5
Figure 2.	Violent Incidents	31
Figure 3.	Annual Number Added to California Vexatious Litigant List.....	62
Figure 4.	Targets of Sovereign Extremist Attacks	79

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LIST OF TABLES

Table 1.	State Remedies as of 2004	46
Table 2.	Post-filing Remedies with Civil Penalties	49
Table 3.	Summary of Sample States' Remedies	81
Table 4.	Recipients and Responses by State	86
Table 5.	Case Type.....	88
Table 6.	Familiarity with Sovereign Citizen Ideology.....	89
Table 7.	Court Interactions with Sovereign Citizens	90
Table 8.	Behaviors Experienced by Court	91
Table 9.	Court Filings with Sovereign Citizen Characteristics.....	92
Table 10.	Retaliatory Actions against Court Officials.....	93
Table 11.	Situations Where Behavior has been Exhibited.....	94
Table 12.	Court Security Measures.....	95
Table 13.	Measures Taken by State	96
Table 14.	Change in Activity	97
Table 15.	New Behaviors Observed	98
Table 16.	Observed Increase in Threats or Acts of Violence	99
Table 17.	Recommend Adoption of Rules or Legislation	100

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LIST OF ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ACLU	American Civil Liberties Union
ADL	Anti-Defamation League
AOC	Administrative Office of the Courts
AVE	Against Violent Extremism
CHP	California Highway Patrol
CSIA	Court Security Improvement Act of 2007
DHS	Department of Homeland Security
FBI	Federal Bureau of Investigation
IACA	International Association of Commercial Administrators
IRB	Institutional Review Board
NACM	National Association of Court Management
NASS	National Association of Secretaries of State
NCSC	National Center for State Courts
NJOHSP	New Jersey Office of Homeland Security and Preparedness
NLA	National Liberty Alliance
SPLC	Southern Poverty Law Center
UCC	Uniform Commercial Code
U.K.	United Kingdom
U.S.	United States

VLS

Vexatious Litigant Statute

EXECUTIVE SUMMARY

In “Guidelines for Implementing Best Practices in Court Building Security,” Fautsko et al. observe that courthouses may be seen “as an important symbolic target” for terrorists.¹ Not all assaults on courts and their personnel involve physical violence. “Paper terrorism,” a strategy employed by an anti-government group known as the sovereign citizens, is a type of attack not physically destructive but still disruptive to court operations. The voluminous paperwork filed by these individuals clogs a court system already overwhelmed with a backlog of cases.² Sovereign citizen tactics prevent legitimate litigants from receiving timely justice.³

The hardcore believers within the sovereign citizen movement are vehemently anti-government and favor intimidation to dissuade or deflect the enforcement of rules or laws. The sovereign citizens have demonstrated a willingness to use violence when confronted or enraged.⁴ Initially an American phenomenon, anti-government sentiments and actions appear to be spreading to other English-speaking countries and beyond.⁵ The remarkable similarity of the movement across borders may indicate a common sense of frustration with contemporary governance; tactics are most likely proliferated via the Internet. Conspiracy theories play a prominent role in sovereign citizen ideology. Although some sovereign

¹ Tim Fautsko, Steve Berson, Jim O’Neil, and Kevin Sheehan, “Guidelines for Implementing Best Practices in Court Building Security: Costs, Priorities, Funding Strategies, and Accountability,” National Center for State Courts, January 2010, <https://cdm16501.contentdm.oclc.org/digital/collection/facilities/id/153>.

² Jessica K. Phillips, “Not All Pro Se Litigants Are Created Equally: Examining the Need for New Pro Se Litigant Classifications through the Lens of the Sovereign Citizen Movement,” *Georgetown Journal of Legal Ethics* 29 (2016): 1228, <http://heinonline.org/HOL/Page?handle=hein.journals/geojlege29&collection=journals&id=1238&startid=1238&end=1253>.

³ Phillips, 1228.

⁴ “Sovereign Citizens Movement,” Southern Poverty Law Center, accessed September 27, 2016, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement>.

⁵ Stephen A. Kent, “Freemen, Sovereign Citizens, and the Challenge to Public Order in British Heritage Countries,” *International Journal of Cultic Studies* 6, (2015): 1, http://griess.st1.at/gsk/fecris/copenhagen/Kent_EN.pdf.

citizens are angry over perceived government betrayals, others engage in what can only be called paranoia.⁶

A framework of social theories suggests methods to deter paper terrorists. Most adherents care more about their own self-interests than the sustainment of the group.⁷ Viewing sovereign citizens through the instrumental lens suggests raising the cost of failure may be an effective deterrent.⁸

A number of states adopted laws or administrative procedures to address the problem. A task force organized by the National Association of Secretaries of State reviewed existing remedies.⁹ This collective effort promoted tougher civil and criminal penalties for those who submit phony claims or file fraudulent, retaliatory liens.¹⁰ The task force found four different approaches to the problem, which include “pre-filing administrative discretion; post-filing administrative relief; post-filing expedited judicial relief; and enhanced criminal/civil penalties.”¹¹ This research examines the effectiveness of these solutions. Stopping paper terrorism and reducing interactions with these individuals will require a solution that balances the need for safety and efficiency for the court with the rights of individuals. U.S. citizens are entitled to due process and equal protection under the law; even those espousing sovereign citizen beliefs may have a legitimate legal complaint. Although criminal penalties are the most severe form of punishment available, inmates frequently learn sovereign citizen tactics in prison.

⁶ Kent, “Freemen, Sovereign Citizens, and the Challenge to Public Order,” 12.

⁷ Martha Crenshaw, “Theories of Terrorism: Instrumental and Organizational Approaches,” in *Inside Terrorist Organizations*, ed. David C. Rapoport (New York: Columbia University Press, 1988), 19.

⁸ David Tucker, “Instrumental and Organizational Approaches to Terrorism” (presentation, Unconventional Threat to Homeland Security, Center for Homeland Security and Defense, Naval Postgraduate School, Monterey, CA, September 1, 2005, updated September 7, 2017), <https://www.chds.us/ed/items/383>.

⁹ National Association of Secretaries of State, “State Strategies to Subvert Fraudulent Uniform Commercial Code (UCC) Filings: A Report for State Business Filing Agencies,” updated April 2014, accessed November 7, 2017, <http://nass.org/sites/default/files/surveys/2017-08/final-nass-report-bogus-filings-040914.pdf>, 6.

¹⁰ National Association of Secretaries of State, 4.

¹¹ Cindy J. Chernuchin, William E. Hiller, and Michael Zinder, “Legislation Effective in New York to Combat Paper Terrorism,” *The Practical Lawyer* (April 2014): 51, http://www.willkie.com/~media/Files/Publications/2014/04/Practical_Law_Legislation_Effective_in_New_York.pdf.

Incarceration not only fails to deter the behavior, it sometimes escalates it by fulfilling the negative ideal of the overbearing state.

Sovereign citizens engage in retaliatory practices largely because they are effective.¹² Individual states may choose to adopt a combination of the available approaches.¹³ Policy makers must strike a balance between the costs imposed on individual victims of sovereign tactics versus the expense to the public of any enacted solutions.

The present analysis targeted five states for further study: California, Florida, Georgia, Nevada, and New Jersey. Court professionals within the selected states received a survey to gain insight into the depth of the problem and effectiveness of solutions. The survey results support the existing literature on commonly experienced sovereign tactics and behaviors. Many respondents were not aware of the relief available to them in their state, indicating a need for training and outreach. The majority did not report a noticeable difference activity levels since enactment of new rules or legislation.

There is no completely effective solution to paper terrorism because terrorists change in response to a changing environment. This thesis recommends the following set of measures:

- Impose criminal penalties, including jail time and restitution paid to the victim, for filing phony lawsuits or fraudulent liens
- Legislatively authorize the Department of Corrections to apply disciplinary procedures to inmates that engage in frivolous or malicious filings
- Enact vexatious litigant laws and regularly track and monitor paper terrorists
- Increase awareness of sovereign citizen tactics and available remedies through training for all members of the criminal justice system

¹² Michael Mastrony, “Common-Sense Responses to Radical Practices: Stifling Sovereign Citizens in Connecticut,” *Connecticut Law Review* 48, no. 3 (February 2016): 1025, http://heinonline.org/HOL/Page?handle=hein.journals/conlr48&div=29&g_sent=1&casatoken=&collection=journals.

¹³ Mastrony, 1028.

- Deliver procedural justice and treat sovereign citizens fairly, with respect, and in an unbiased manner
- Treat sovereign citizens fairly but firmly; sovereign citizens are entitled to justice, but the court should not tolerate disruptive behavior
- Report individual sovereign citizens to local Fusion Center, sheriff or police
- Use the Internet and self-help websites to assist those with genuine legal problems
- Develop counter-narrative on Internet and social media to counter right-wing extremism
- Perform competency evaluations if an underlying mental illness is suspected
- Connect individuals to social service providers or financial counseling services

Education, training, information sharing, and escalating levels of penalties are the best approaches to countering the threat posed by sovereign-citizen paper terrorism, particularly to the court system. To ensure the safety and security of all those seeking justice, courts must be as adaptable as the paper terrorists that attack the system.

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I. INTRODUCTION

There are threats to the judicial system that are widely unknown outside of the legal community. The Homeland Defense and Security Information Analysis Center promotes the protection of critical infrastructure, which are assets deemed “so crucial that if lost the nation’s economy, security, public health and safety could be debilitated.”¹ This classification includes courthouses for the essential role that they play in society. The National Association for Court Management (NACM) states, “Courts exist to do justice, to guarantee liberty, to enhance social order, to resolve disputes, to maintain rule of law, to provide for equal protection, and to ensure due process of law. They exist so that the equality of individuals and the government is reality rather than empty rhetoric.”²

Disgruntled citizens and even criminals visit courts on a daily basis. The building itself may be seen “as an important symbolic target” for terrorists, according to a best practices guideline developed by Fautsko et al. for the National Center for State Courts.³ Research compiled by the Center for Judicial and Executive Security (CJES) documents 199 violent incidents at state courts over a 40-year period; these incidents include shootings, bombings, and arson attacks.⁴ The trend continued after the publication of this report, with 11 court incidents recorded in 2010, and 13 in 2011.⁵

Not all assaults on courthouses and their personnel involve physical violence. The sovereign citizens have terrorized judicial officers and court staff with bloody fingerprints

¹ “Critical Infrastructure Protection,” Homeland Defense & Security Information Analysis Center, 2016, https://www.hdiac.org/focus_areas/critical_infrastructure.

² “Purposes and Responsibilities of Courts—Why Courts Exist,” National Association of Court Management, 2013, https://nacmnet.org/CCCG/cccg_1_corecompetency_purposes_cg1.html.

³ Tim Fautsko et al., “Guidelines for Implementing Best Practices in Court Building Security: Costs, Priorities, Funding Strategies, and Accountability,” National Center for State Courts, January 2010, <https://cdm16501.contentdm.oclc.org/digital/collection/facilities/id/153>.

⁴ “Court-Targeted Acts of Violence,” Center for Judicial and Executive Security, 2010, <http://www.cjesconsultants.com/assets/documents/cjes-ctav-bulletin.pdf>.

⁵ Tim Fautsko, Steve Berson, and Steve Swensen, “Courthouse Security Incidents Trending Upward: The Challenges Facing State Courts Today,” National Center for State Courts Future Trends, 2012, <http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/better-courts/1-1-courthouse-security-incidents.aspx>.

on pleadings, suspicious mailings, and filings that contain a physical or financial threat.⁶ More commonly, there is “paper terrorism,” a type of attack that is not physically destructive, but remains a potential and potent source of disruption to the operations of courts. Paper terrorism is a method preferred and even prescribed by the so-called sovereign citizens, among other anti-government groups. These tactics, designed to intimidate public officials, may include demanding officials produce a copy of their oath of office; filming interactions; filing liens or meritless lawsuits against officials; and telling officials that they have no legitimate authority over the sovereign. Sovereigns may invoke a fictitious “common law” court to issue subpoenas or warrants against unsuspecting officials. These actions have no legal basis or effect, but this behavior is not benign. Sovereign citizens have obtained public servants’ personal information to create a negative credit history or even a false report of income to the Internal Revenue Service.⁷

The voluminous paperwork filed by these individuals clogs the court system, resulting in delays for those legitimately seeking justice. The arguments contained in these documents are deliberately confusing and unintelligible, to make it as arduous as possible to decipher them.⁸ As an example, a normal criminal case will have 60 or 70 entries in the official court record; a single sovereign case may have more than 1,000.⁹ Although usually without merit and frequently fraudulent, these filings often make their way through the system, with the ultimate aim of avoiding a lawful debt or delaying a pending legal action. There may be indirect costs to litigants waiting for case adjudication due to delays caused by these groups.¹⁰

⁶ “A Quick Guide to Sovereign Citizens,” University of North Carolina School of Government, November 2013, <https://www.sog.unc.edu/sites/www.sog.un7c.edu/files/Sov%20citizens%20quick%20guide%20Nov%2013.pdf>, 2.

⁷ University of North Carolina, 2.

⁸ Michael Mastrony, “Common-Sense Responses to Radical Practices: Stifling Sovereign Citizens in Connecticut,” *Connecticut Law Review* 48, no. 3 (February 2016): 1016, http://heinonline.org/HOL/Page?handle=hein.journals/conlr48&div=29&g_sent=1&casa_token=&collection=journals.

⁹ “Extremist Files, Sovereign Citizen Movement,” Southern Poverty Law Center, accessed January 4, 2018, <http://www.splcenter.org/get-informed/intelligence-files/ideology/sovereign-citizens-movement>.

¹⁰ David Fleishman, “Paper Terrorism: The Impact of the ‘Sovereign Citizen’ on Local Government,” *Public Law Journal* 27, no. 2 (2004): 9, http://www.mflegal.net/files/paper_terrorism.pdf.

The court system is already overwhelmed with a backlog of cases and lacks the necessary judicial resources to meet demands.¹¹ As of 2015, the federal system had 330,000 pending civil cases; estimated backlogs at the state level are even higher.¹² Sovereign citizen tactics compound this backlog and prevent legitimate litigants from receiving justice in a timely manner.¹³

A number of states have passed legislation or adopted administrative procedures to address the problem. It is the intent of this research to determine the effectiveness of these solutions and make recommendations that could benefit states that are currently dealing with this threat, while recognizing the very real possibility that some solutions may actually make the problem worse.

A. RESEARCH QUESTIONS

1. How effective are legislative remedies at discouraging or preventing acts of paper terrorism against courts and court officials by sovereign citizens?
2. Should courts consider other solutions?

B. LITERATURE REVIEW

Since the attacks of 9/11, the top concern of law-enforcement agencies has been the threats posed by Islamic extremists, as evidenced in a report using data collected by the Department of Homeland Security from 2006 to 2007.¹⁴ Data that are more recent collected in 2013 to 2014 shows that law-enforcement officers now consider a domestic

¹¹ Jessica K. Phillips, “Not All Pro Se Litigants Are Created Equally: Examining the Need for New Pro Se Litigant Classifications through the Lens of the Sovereign Citizen Movement,” *Georgetown Journal of Legal Ethics* 29 (2016): 1228, <http://heinonline.org/HOL/Page?handle=hein.journals/geojlege29&collection=journals&id=1238&startid=1238&endid=1253>.

¹² Phillips, 1228.

¹³ Phillips, 1228.

¹⁴ David Carter et al., “Understanding Law Enforcement Intelligence Processes, Report to the Office of University Programs, Science and Technology Directorate,” START, July 2014, https://www.start.umd.edu/pubs/START_UnderstandingLawEnforcementIntelligenceProcesses_July2014.pdf.

anti-government extremist group, the sovereign citizens, a greater menace than foreign terrorists.¹⁵

To gain a better understanding of this problem, a review of the relevant literature examined the role of sovereign citizens as homegrown terrorists in the United States. Research for this literature review includes sources from the Naval Postgraduate School's Dudley Knox Library, the Federal Bureau of Investigation, the Southern Poverty Law Center (SPLC), the Anti-Defamation League (ADL), contemporary media sources, and open Internet sources. Notably, the SPLC and the ADL are valid sources on this topic, in spite of the lack of evidence for their claims. The present review has two sub-categories:

1. Examining domestic terrorism in the United States.
2. Examining sovereign citizens through several analytical frameworks to understand their motivations.

1. Domestic Terrorism in the United States

Sovereign citizens are a top concern for law-enforcement officials. Perceptions about what constitutes a serious threat change in response to new intelligence, data, and events.¹⁶ The only certainty is that threats evolve in an unpredictable pattern.¹⁷ Part of the concern stems from the sheer number of members. Although an exact number is unknown, the SPLC estimates there are more than 300,000 adherents to various right-wing ideologies.¹⁸ As of 2015, SPLC identified 998 active anti-government groups in the United States. Figure 1 shows that these groups are found in all 50 states; the highest numbers are found in Pennsylvania, California, and Texas.

¹⁵ Carter et al., "Understanding Law Enforcement Intelligence Processes," 8.

¹⁶ Carter et al., 8.

¹⁷ Carter et al., 1.

¹⁸ "What We Do," Southern Poverty Law Center, accessed October 10, 2016, <https://www.splcenter.org/what-we-do>.

 ANTIGOVERNMENT 'PATRIOT' GROUPS 2015 // 998 GROUPS

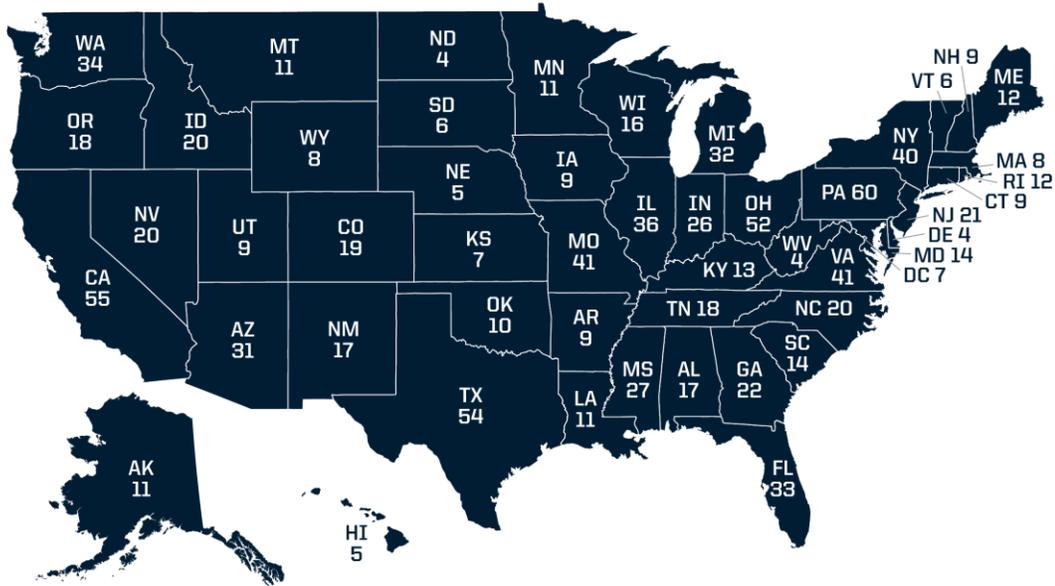


Figure 1. Anti-government Groups in the U.S. by State¹⁹

These groups generally promote conspiracy theories and anti-government propaganda. They fear an out-of-control government and are especially concerned about impending gun control or confiscation.²⁰ The belief systems and ideology of these groups are difficult to pin down and are constantly evolving.²¹ This movement is more of a group of individuals with limited organization whose anarchist ideology grew out of the Posse Comitatus group founded in the 1970s by William Potter Gale in California and Oregon. The movement grew in the early 1980s due to a recession and farm crisis that wiped out the means of support for many. The fiscal crisis of 2008 contributed to their current surge.²²

¹⁹ Source: Southern Poverty Law Center, accessed November 2, 2017, <https://www.splcenter.org/active-antigovernment-groups-united-states>.

²⁰ "Active Antigovernment Groups in the United States," Southern Poverty Law Center, 2015, <https://www.splcenter.org/active-antigovernment-groups-united-states>.

²¹ Timothy G. Baysinger, "Right-Wing Group Characteristics and Ideology," *Homeland Security Affairs* 2 (July 2006): 15, <https://www.hsaj.org/articles/166>.

²² Casey Sanchez, "Sovereign Citizens Movement Resurging," Southern Poverty Law Center, February 26, 2009, <https://www.splcenter.org/fighting-hate/intelligence-report/2009/sovereign-citizens-movement-resurging>.

What motivates individuals to become involved with extremist ideology? In a recent article in *The Guardian*, Jason Wilson states, “Like all far-right movements, SovCits thrive on human desperation.”²³ This desperation is often borne of a lifetime of humiliation and rage, giving individuals the desire to retaliate.²⁴ Those who believe they have been victimized and humiliated feel they have little to lose and are extremely susceptible to the rhetoric of extremist groups.²⁵ Poverty, ignorance, and limited prospects for economic or social growth contribute to this desperation, especially when opportunities for improving one’s situation are lacking.²⁶ Involvement in an extremist group meets the psycho-socio-political needs of some individuals, offering a sense of power and control over their circumstances.²⁷

Just as socio-economic status is not the sole predictor for criminal activity, poverty alone does not lead to terrorism. Risk factors for joining an extremist movement may include a sense of injustice, societal alienation, and other unaddressed grievances.²⁸ Some argue the connection between poverty and terrorism may be weaker than suspected; however, attracting individuals to terrorist activities appears more difficult when there is growth in economic opportunity.²⁹ Desperation and the perception that there are no viable alternatives may lead some individuals to join a movement.³⁰ Others may join to gain

²³ Jason Wilson, “What You Need to Know about One Nation’s Malcolm Roberts and ‘Sovereign Citizens,’” *The Guardian*, August 05, 2016, <https://www.theguardian.com/commentisfree/2016/aug/05/what-you-need-to-know-about-one-nations-malcolm-roberts-and-sovereign-citizens>.

²⁴ Miriam Marton, “Terrorism and Humiliation,” *Humiliation Studies*, (September 2005): 1, <http://www.humiliationstudies.org/documents/MartonBerlin05meeting1.pdf>.

²⁵ Marton, 2.

²⁶ Jake Harriman, “Linking Extreme Poverty and Global Terrorism,” *New York Times*, March 13, 2012, <https://kristof.blogs.nytimes.com/2012/03/13/linking-extreme-poverty-and-global-terrorism/?r=0>.

²⁷ Marton, “Terrorism and Humiliation,” 3.

²⁸ Beenish Ahmed, “What’s the Real Root Cause of Terrorism: Poverty or Anger?” *Think Progress*, accessed April 27, 2017, <https://thinkprogress.org/whats-the-real-root-cause-of-terrorism-poverty-or-anger-d9d3f53324c5>.

²⁹ Gary Becker and Richard Posner, “Terrorism and Poverty: Any Connection?” *Becker-Posner Blog*, May 2005, <http://www.becker-posner-blog.com/2005/05/terrorism-and-povertyany-connectionbecker.html>.

³⁰ Bruce Hoffman, “Answers to Why People Become Terrorists,” *The Daily Beast*, April 27, 2013, <http://www.thedailybeast.com/articles/2013/04/27/answers-to-why-people-become-terrorists>.

psychosocial rewards offered by membership.³¹ Terrorist activity is a means of overcoming perceived oppression, in what Williams refers to as “the warfare of the weak.”³²

The sovereign citizens reject the legitimacy of all existing forms of government, accepting no authority higher than the county sheriff.³³ Due to a lack of organization and group cohesion, it is an overstatement to label them a movement.³⁴ Their so-called war against government and financial institutions often takes the form of paper terrorism, which includes harassment and intimidation of government officials, and occasionally violence.³⁵

This group subscribes to a collection of beliefs that includes the rejection of U.S. citizenship and a belief that their existence is outside the reach of laws and governmental authority.³⁶ Although those that subscribe to this ideology are typically not violent, there are extremist factions within this group who are willing to use violence to advance their views.³⁷ Public officials risk harm during interactions with these individuals; familiarity with the ideology and identifying markers would be beneficial to judicial officers, attorneys, and court staff.³⁸

Studies of Islamic terrorism may yield clues to gain an understanding of why some individuals are susceptible to extremist ideologies. In *Homegrown Terrorism: The Threat Within*, Kimberley L. Thachuk, Marion Eugene Bowman, and Courtney Richardson

³¹ Ray Williams, “The Psychology of Terrorism,” *Psychology Today* (November 2015), <https://www.psychologytoday.com/blog/wired-success/201511/the-psychology-terrorism>.

³² Williams.

³³ Fleishman, “Paper Terrorism,” 7.

³⁴ Fleishman, 7.

³⁵ “The Lawless Ones - The Resurgence of the Sovereign Citizen Movement,” Anti-Defamation League, 2012, <http://www.adl.org/assets/pdf/combating-hate/Lawless-Ones-2012-Edition-WEB-final.pdf>.

³⁶ Anti-Defamation League.

³⁷ Anti-Defamation League.

³⁸ U.S. DOJ-FBI, “WACO Past Conferences” (paper presented at meeting of Wyoming Association of County Officers, Jackson, Wyoming, January 2012), <http://www.wyowaco.org/files/fbisovereign.pdf>.

attempt “to find root causes of domestic terrorism that are of general applicability.”³⁹ One concept applicable to sovereign citizens is the idea that enemies of the state may be its own citizens.⁴⁰ Alienation, isolation, and disenfranchisement are all fuel for anti-government sentiment, creating a level of dissatisfaction that may give rise to terrorism or a desire to declare war on the government.⁴¹

2. Analytical Framework

There are diverse approaches to qualitative research. Linking the larger research question to established social theories provides a framework for understanding the mindset of the sovereign citizen, which in turn may provide clues to the best approaches to take to either prevent or deter the tactics and behaviors.

a. Social Identity Theory

Social identity theory defines how people see themselves in relation to others.⁴² Interactions with others can cause this identity to change over time.⁴³ Although the roots of the sovereign citizen movement originated with a white supremacist group known as the Posse Comitatus, the group is now open to all demographics and is composed of very dissimilar individuals in terms of race and ethnicity. Moghaddam writes, “Similarly, people come to see themselves as members of groups that are in fundamental respects different from other groups, but actually in many cases the intergroup differences are minor.”⁴⁴ Thus, identification with the group becomes more important than their differences as

³⁹ Kimberley L. Thachuk, Marion Eugene Bowman, and Courtney Richardson, *Homegrown Terrorism: The Threat Within*, (Washington, DC: Center for Technology and National Security Policy, National Defense University, May 2008), 1, <https://www.files.ethz.ch/isn/134894/DTP%2048%20Home%20Grown%20Terrorism.pdf>.

⁴⁰ Thachuk, Bowman, and Richardson, 37.

⁴¹ Thachuk, Bowman, and Richardson, 37.

⁴² David W. Brannan, Kristin M. Darken, and Anders Strindberg, *A Practitioner’s Way Forward: Terrorism Analysis* (Salinas: Agile Press, 2014), 47.

⁴³ John C. Turner, “Towards a Cognitive Redefinition of the Social Group,” in *Social Identity and Intergroup Relations*, ed. Henri Tajfel (Cambridge: Cambridge University Press, 2010), 15–16.

⁴⁴ Fathali M. Moghaddam, *Multiculturalism and Intergroup Relations: Psychological Implications for Democracy in a Global Context*, 1st ed. (Washington, DC: American Psychological Association, 2008), 50.

individuals (the in-group), which is why the current incarnation of this group crosses all demographics, in spite of its racist roots.⁴⁵ For sovereign citizens, the in-group would be individuals with a comparable hatred of government. The out-group includes not only government officials, but even those who allow themselves to be under the control of the very system that the sovereigns reject.⁴⁶

According to Moghaddam's theories, group bonds become more powerful when there are shared experiences.⁴⁷ For sovereign citizens, those shared experiences may include foreclosures, credit card debts, tax problems or other economic hardships. Others may be facing legal issues related to traffic offenses, licensing problems, or child support. Still others embrace the ideology as they find the idea of living a lawless life to be appealing.⁴⁸ These types of experiences solidify their identification with the in-group, while promoting their perceptions of threat and separation from the out-group.⁴⁹ Conflicts with an out-group may not be due to any genuine differences; instead, this disagreement may simply be a way to preserve a positive social identity.⁵⁰ According to Tajfel and Turner, social identity is as much about how one feels about the groups to which one belongs as it is about the perceptions of groups that are "not us."⁵¹

b. Analytical Markers

The book *Terrorism: An Identity Theory Perspective* discusses the "roles of cultural, social and personal identity in terrorism." Not all of the factors identified are applicable to sovereign citizens, largely due to the lack of group cohesion. Several identity

⁴⁵ Fleishman, "Paper Terrorism," 7.

⁴⁶ Devon Bell, "The Sovereign Citizen Movement: The Shifting Ideological Winds" (master's thesis, Naval Postgraduate School, 2016), 18, <https://www.hsdl.org/?view&did=792306>.

⁴⁷ Moghaddam, *Multiculturalism and Intergroup Relations*, 90.

⁴⁸ "Sovereign Citizens Movement," Southern Poverty Law Center, accessed September 27, 2016, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement>.

⁴⁹ Moghaddam, *Multiculturalism and Intergroup Relations*, 90.

⁵⁰ Turner, "Towards a Cognitive Redefinition of the Social Group," 34.

⁵¹ Henri Tajfel and John C. Turner, "The Social Identity Theory of Intergroup Behavior," in *The Psychology of Intergroup Behavior*, ed. Stephen Worchel and William G. Austin (Chicago: Nelson Hall, 1986), 7.

level factors contribute to involvement in terrorism: “us-versus-them thinking; strong in-group identification combined with demonization of the out-group; the belief in an imminent threat to the group, or a history of persecution at the hands of the out-group; and alienation from established social institutions perceived to be controlled by members of the out-group.”⁵² Personal aspects of identity, such as work or family, become secondary to the mission when consumed by involvement with the in-group.⁵³

A Practitioner’s Way Forward suggests four primary analytical traits or markers for terrorist organizations: “the patron-client relationship; the honor/shame paradigm; the challenge and response cycle; and the issue of ‘limited good.’”⁵⁴ The four analytical markers outlined are applicable to sovereign citizens on an individual basis due to the lack of cohesiveness within the group. The patron-client relationship is symbiotic and mutually beneficial.⁵⁵ For the sovereign citizens, the patron-client relationship can exist in one of two ways. The patron can be one of the self-styled gurus that conduct seminars teaching the philosophy to eager clients or the governmental authorities over whom the clients feel powerless, such as law enforcement, or courts, or even non-governmental agencies such as banks and mortgage companies.

Establishing rank or social status is a key mechanism in the challenge-response cycle.⁵⁶ A negative honor challenge to the sovereign citizens may come in the form of a traffic stop, a notice of eviction or foreclosure, or a court proceeding. Their response could be in the form of spouting gibberish in an effort to delegitimize the authority; retaliatory paper terrorism in the form of false liens or fraudulent lawsuits; or in some instances, violence, such as shooting police officers during a traffic stop.

⁵² Seth J. Schwartz, Curtis S. Dunkel, and Alan Waterman, “Terrorism: An Identity Theory Perspective,” *Studies in Conflict and Terrorism*, 32, no. 6 (2009): 545, https://www.researchgate.net/publication/225029149_Terrorism_An_Identity_Theory_Perspective.

⁵³ Schwartz, Dunkel, and Waterman, 546.

⁵⁴ Brannan, Darken, and Strindberg, *A Practitioner’s Way Forward*, 67.

⁵⁵ Brannan, Darken, and Strindberg, 74–76.

⁵⁶ Brannan, Darken, and Strindberg, 69.

A limited good may be either an actual physical resource, such as land or money, or an intangible resource, like status or honor.⁵⁷ Limited goods are considered a zero sum game; in other words, if someone wins someone else has to lose. For sovereign citizens, the limited good can be due to the distress of financial hardships such as unemployment, bankruptcy, tax levies, traffic citations, child support, or mortgage defaults. Through seminars, workshops and websites, the gurus of the movement offer false hope to individuals with methods for fighting back, and potentially tapping into the promise of redemption, whereby an amount between \$600,000 and \$20 million is available from a secret Treasury account.⁵⁸

c. Instrumental and Organizational Theory

According to Martha Crenshaw's theory, there are two approaches to evaluating a terrorist group. If the main objective of a group is to sustain its own existence, it operates under the organizational theory.⁵⁹ Organizational theory does not appear to apply to sovereign citizens, as its adherents appear to select the ideology that suits their current needs.⁶⁰ The "loose" organization suggests that individual needs are more important than the sustainment of the group.

Part of the dynamic of the instrumental approach assumes that targets will change along with the political and strategic environment.⁶¹ The hardcore believers within the sovereign citizen movement are vehemently antigovernment, promote radical change through intimidation, and have been shown to use violence when frustrated or enraged.⁶²

⁵⁷ Brannan, Darken, and Strindberg, 70.

⁵⁸ Southern Poverty Law Center, "Sovereign Citizens Movement."

⁵⁹ Martha Crenshaw, "Theories of Terrorism: Instrumental and Organizational Approaches," in *Inside Terrorist Organizations*, ed. David C. Rapoport, (New York: Columbia University Press, 1988), 19.

⁶⁰ Fleishman, "Paper Terrorism," 7.

⁶¹ David Tucker, "Instrumental and Organizational Approaches to Terrorism" (presentation, Unconventional Threat to Homeland Security, Center for Homeland Security and Defense, Naval Postgraduate School, Monterey, CA, September 1, 2005, updated September 7, 2017), <https://www.chds.us/ed/items/383>.

⁶² Southern Poverty Law Center, "Sovereign Citizens Movement."

Under the instrumental approach, “terrorism is a means to a political end.”⁶³ The actions of the group serve as a form of coercion intended to change the government through intimidation and violence.⁶⁴ There is an “assumption that an act of terrorism is a deliberate choice by a political actor. The organization, as a unit, acts to achieve collective values, which involve radical changes in political and social conditions.”⁶⁵ Sovereign citizens rarely act as a unit; lone actors or pairs of like-minded individuals are responsible for most violent actions that have occurred. Isolated instances of group actions include the January 2016 occupation of the Malheur Wildlife Refuge in Oregon and the standoff at the Bundy Ranch between the Bureau of Land Management and militia who flocked there in support of the ranchers in 2014. For most, once they have adopted the basic ideology of the group, their own needs and self-interests determine their actions.⁶⁶ Viewing sovereign citizens through an instrumental lens suggests potential solutions. Raising the cost of failure, while reducing the likelihood of success, may be an effective deterrent.⁶⁷

C. RESEARCH DESIGN

This thesis examines legislative and judicial efforts to curb the paper terrorism of sovereign citizens. As of 2015, all 50 states have enacted laws or some variation of administrative rules to combat frivolous lawsuits and fraudulent liens. States with significant levels of sovereign activity are targeted for further analysis to get a reading of the effectiveness of these measures.

An initial review of legislative actions taken by states to curb the behavior of sovereign citizens was conducted. This data provides a picture of the extent and severity of the problem nationally, as specific data are not available. This data enabled the selection of a subset of states for further study. Court professionals within the selected states received a survey approved by the Institutional Review Board.

⁶³ Crenshaw, “Theories of Terrorism,” 13.

⁶⁴ Crenshaw, “Theories of Terrorism,” 13.

⁶⁵ Crenshaw, 13.

⁶⁶ Bell, “Sovereign Citizen Movement,” 16.

⁶⁷ Tucker, “Instrumental and Organizational Approaches to Terrorism.”

This thesis specifically addresses the impact that sovereign citizens have on the courts and court employees. A brief exploration of violence against law enforcement officers demonstrates this potential is considered; however, this research is not prescriptive in this area.

1. Data Sources

Examination of the legislative history of bills pertaining to paper terrorism provides an understanding of the extent of the problem and the intent of the solution. Selection criteria for study inclusion required a high level of documented sovereign citizen activity within an individual state, coupled with varying levels of remedies. The analysis then targeted five states for further study. Court professionals within the selected states received a survey to gain insight into the depth of the problem and effectiveness of adopted solutions. Selection for the survey required membership in the National Association for Court Management. NACM's membership is comprised of more than 1,700 court management professionals from all levels and types of courts. This organization's purpose is the development and education of court leaders. The survey's intent was to look for outcomes and successes, overall effectiveness, and any unintended consequences that resulted from the legislation.

2. Type and Mode of Analysis

First, the range of solutions that have been enacted in the various states was examined, along with the history of what led to the enactment of those solutions. Next, court professionals within the selected subset of states received a survey. The survey's purpose was determination of familiarity with sovereign citizen tactics and effectiveness of enacted solutions. Coding the collected data enabled further analysis. Quantitative and qualitative analysis regarding anecdotal perceptions and experiences is included in this study. The intended outcome of this research is recommendations for court professionals.

D. CHAPTER OVERVIEW

Chapter II explores the historical background of the sovereign citizen movement. Chapter III examines the available limited sources of literature written from the court

system's perspective. The chapter additionally outlines the legislative measures enacted in various states to protect individuals from the most egregious sovereign tactics. Chapter IV is devoted to the survey's design, and the logic behind the sample selection. Chapter V presents the survey results. Chapter VI concludes this work with a summary of the research and recommendations based on the findings.

II. BACKGROUND

A basic understanding of the history of sovereign citizens and their ideology is essential to constructing effective solutions to discourage, prevent, or punish paper terrorism. Sovereign citizen dogma has expanded beyond the U.S. border; therefore, examining the similarities and differences in sovereign activity in other English-speaking countries may offer possible answers. It is also important to be able to distinguish sovereign citizen ideological markers from other anti-government groups as a means of anticipating and countering their tactics.

A brief discussion of some of the violent incidents associated with sovereign citizens is relevant to any suggested solutions; even though their primary weapon is paper, the potential for violence exists. Truly understanding the mind of a sovereign citizen may offer the most potential for developing a comprehensive strategy for combatting this movement.

A. THE ORIGIN OF SOVEREIGN CITIZENS

Sovereign citizen tactics and legal theories represent the intersection of several different anti-government movements.⁶⁸ Tax protestors, Patriot Movement militias, Christian Identity theorists, Posse Comitatus, and common-law court proponents have all played a role in the evolution of the modern sovereign citizen belief system.⁶⁹ In an examination of the sovereign citizen movement, Weir notes that tax rebellions date back to Babylonia in 2350 BC; therefore, “anti-government sentiment is as old as government itself.”⁷⁰ Although the sovereign citizen movement originated in the United States, the

⁶⁸ Francis X. Sullivan, “The Usurping Octopus of Jurisdictional/Authority: The Legal Theories of the Sovereign Citizen Movement,” *Wisconsin Law Review* (1999): 786, <http://heinonline.org/HOL/Page?handle=hein.journals/wlr1999&collection=journals&id=801&startid=801&endid=840>.

⁶⁹ Sullivan, 787.

⁷⁰ Joshua P. Weir, “Sovereign Citizens: A Reasoned Response to the Madness,” *Lewis & Clark Law Review*. 19, no. 3 (2015): 834, http://heinonline.org/HOL/Page?handle=hein.journals/lewclr19&div=37&g_sent=1&casa_token=&collection=journals.

theories have resonated globally.⁷¹ Sullivan cautions that although it is tempting to dismiss adherents as “wild-eyed militants,” it is important to know the background of the movement and recognize that many individuals have legitimate problems that are not being resolved through traditional means.⁷² Understanding the historical basis of the movement and the individual motivations provides a context for potential solutions.

1. United States

In 1878, Democrats laid the foundation for the sovereign citizen movement when they passed federal legislation to limit protections of the rights of blacks in the South. This law inaugurated what became known as the Jim Crow era. Specifically, this period began with the passage of Posse Comitatus, Latin for “power or force of the county.” The intent of the law was to constrain the federal government from marshalling troops within the country to protect blacks from violence. The groundwork thus was laid for a political culture that was (and still is) resentful of the federal government. Although the South lost the Civil War, it politically achieved the objectives that were lost on the battlefield.⁷³ Jim Crow laws were essentially legalized racism that affected the lives of black Americans for 80 years, until the civil rights movement began to develop in the late 1950s, culminating in the passage of the Civil Rights Act of 1964.⁷⁴

The origin of sovereign citizens began with William Potter Gale’s founding of the Posse Comitatus movement in 1971.⁷⁵ Named for the law passed in 1878, Posse Comitatus was a far-right group with ties to the white supremacist Christian Identity movement. Gale’s primary contribution was the idea that citizens “had the right to form a posse to enforce the Constitution,” thus creating a legal basis for the group’s beliefs that catered to

⁷¹ Anti-Defamation League, “The Lawless Ones.”

⁷² Sullivan, “The Usurping Octopus,” 822.

⁷³ Kim Ode, “His Own Private Civil War,” *Minneapolis Star Tribune*, re-printed in the *Las Vegas Review-Journal*, November 5, 2017, B2.

⁷⁴ Kevin Carey, “Too Weird for The Wire,” *Washington Monthly*, May/June/July 2008, <https://washingtonmonthly.com/magazine/mayjunejuly-2008/too-weird-for-the-wire-2/>.

⁷⁵ Carey.

alienated individuals already living on the “paranoid edge of society.”⁷⁶ Shrouded in conspiracy theory, Gale’s rhetoric promised power to marginalized citizens and a return to the original ideals of the country’s foundation. The movement spread throughout the country, attracting tax protesters, Second Amendment fanatics, and fervent anti-communists.⁷⁷

Strongly anti-Semitic, leader Henry Lamont Beach was the first to issue Posse charters. Beach was “a retired dry cleaner and a one-time member of the Silver Shirts,” an organization inspired by Nazi Germany.⁷⁸ The group originated the concept that there is no legitimate government above the level of the county sheriff.⁷⁹ Even the sheriff was subject to the will of the people; refusal to follow their wishes could lead to removal “by the Posse to the most populated intersection of the streets in the township and at high noon be hung by the neck, the body remaining until sundown as an example to those who would subvert the law.”⁸⁰ Many of the ideologies ultimately adopted by sovereign citizens are attributable to Posse members. Some of the practices credited to this group include survivalism, armed militias, false liens, anti-government agitation, and paper terrorism.⁸¹

Posse violence was a rarity during the early 1970s. Then in 1978, thousands of farmers flocked to Washington, DC to participate in a rally protesting high interest rates and farm debt. Congress failed to provide the requested relief, and many frustrated farmers and their supporters began to flirt more seriously with Posse ideology. This ideology provided targets for their anger and frustration; everything from Jewish bankers to

⁷⁶ Carey.

⁷⁷ Carey, “Too Weird.”

⁷⁸ James Corcoran, *Bitter Harvest: Gordon Kahl and the Posse Comitatus: Murder in the Heartland* (New York: Viking, 1990), 29.

⁷⁹ Joshua D. Freilich, Jeremy A. Pienik, and Gregory J. Howard, “Toward Comparative Studies of the U.S. Militia Movement,” in *Varieties of Comparative Criminology*, ed. Gregory J. Howard and Graeme R. Newman (Netherlands: Brill, 2001), 194.

⁸⁰ Brent L. Smith, *Terrorism in America: Pipe Bombs and Pipe Dreams* (Albany, NY: SUNY Press, 1994), 58.

⁸¹ Mark Pitcavage, “Paper Terrorism’s Forgotten Victims: The Use of Bogus Liens against Private Individuals and Businesses,” Anti-Defamation League, June 29, 1998, <http://archive.adl.org/mwd/privlien.html>.

government rejection of the gold standard in 1933 received blame for the farm crisis.⁸² New converts flocked to Gale's seminars, which by 1982 included paramilitary training. Violent confrontations with law enforcement began to occur across the farm belt.⁸³ The Posse's self-proclaimed "National Director of Counterinsurgency," James Wickstrom, published *The American Farmer: Twentieth Century Slave*, and encouraged farmers to strike. In 1983, hundreds of members of the American Agriculture Movement used Posse ideologies and language to protest the foreclosure sale of a Colorado farm, claiming authorities conducted the property seizure under admiralty law, and was therefore illegal. Also in 1983, North Dakota farmer and Posse advocate Gordon Kahl murdered two federal marshals when they attempted to arrest him for tax evasion. Kahl later died in a shootout in Arkansas after killing a local sheriff.⁸⁴

Although Gale died in 1988 and the farm crisis gradually declined, the ideology spread and transformed into the Christian Patriot movement. Touting Constitutional fundamentalism, the believers saw themselves as sovereign citizens, as opposed to federal citizens created by the 14th Amendment. Toning down the racist and anti-Semitic rhetoric broadened the appeal to non-white demographics; right-wing conspiracy theory and paranoia fueled the growth.⁸⁵

A close offshoot of the Christian Patriot movement, the Montana Freemen, formed in 1993 when more than a dozen Montanans created their own common-law courts. The group's activities included the issuance of phony arrest warrants and the filing of bogus documents with local courts and counties.⁸⁶ At one point, the group used a fraudulent check in an attempt to purchase \$1.4 million in weapons, ammunition and ballistic vests. Authorities described the spiritual leader of the Freemen, LeRoy M. Schweitzer, as a

⁸² Carey, "Too Weird."

⁸³ Carey, "Too Weird."

⁸⁴ "Land Use & the 'Patriots,'" Southern Poverty Law Center Intelligence Report 2014 Fall Issue, August 20, 2014, <https://www.splcenter.org/fighting-hate/intelligence-report/2014/land-use-patriots>.

⁸⁵ Southern Poverty Law Center, "Land Use & the 'Patriots.'"

⁸⁶ "Freemen, FBI Standoff Drags on, Lessons of Waco Put into Practice," CNN, March 28, 1996, http://edition.cnn.com/US/9603/montana_freemen/28/index.html.

“snake oil peddler”; he used seminars to teach others how to protect their property from foreclosure and how to forge bank notes.⁸⁷

The Freemen created their own republic, which they christened “Justus Township.” This land included a 960-acre farm owned by the Clark family outside Jordan, Montana. During the farm crisis of the late 1970s, the Clarks accepted \$700,000 in government assistance. In 1981, they stopped paying their loans, and eventually owed \$1.8 million in missed payments. After foreclosure proceedings in 1994, U.S. Marshals sold the farm at auction for \$493,000 in late 1995. The Montana Freemen refused eviction from the land, posted bounties on local police and judges, and threatened to shoot their neighbor’s livestock.⁸⁸ The tensions culminated in an armed standoff with the FBI that lasted for 81 days in 1996.⁸⁹ The FBI sought to avoid a repeat of the “grisly disaster” that occurred in Waco, Texas when David Koresh and his followers died, and the standoff at Ruby Ridge, Idaho that resulted in the deaths of a federal marshal and the wife and son of a separatist.⁹⁰ Rather than escalating the potentially volatile conflict, the FBI increasingly made life uncomfortable for the Freemen with tactics such as shutting off electricity and blocking cell phone communications.⁹¹

As part of the negotiations, the group demanded preservation of a collection of documents that they believed proved government misconduct. According to Goldberg in a *New York Times* article, the members of Justus Township surrendered peacefully, which delighted the “long-suffering neighbors,” and was so peaceful that “it did not even disturb the cows grazing.”⁹² Evidence presented during the subsequent trial revealed the Freemen

⁸⁷ “A Timeline of Events Leading to the Freemen Standoff and Trials,” *Billings Gazette*, March 25, 2006, http://billingsgazette.com/news/state-and-regional/montana/article_c2b805ce-4341-11df-a9ff-001cc4c002e0.html.

⁸⁸ CNN, “Freemen, FBI Standoff Drags On.”

⁸⁹ “Freemen, FBI Standoff Drags On.”

⁹⁰ “Freemen, FBI Standoff Drags On.”

⁹¹ Carey Goldberg, “Last of Freemen Surrender to F.B.I. at Montana Site,” *New York Times*, June 14, 1996, <http://www.nytimes.com/1996/06/14/us/last-of-freemen-surrender-to-fbi-at-montana-site.html>.

⁹² Goldberg.

had issued more than 4,000 fraudulent checks totaling \$18 billion.⁹³ Although the checks were clearly fake, the Freemen still managed to collect \$1.8 million in payments. Rejecting their court-appointed lawyers, the group's anti-government antics continued throughout the court proceedings; four Freemen faced ejection from the courtroom for disruptive behavior. Some refused to voluntarily appear, and were forced into the courtroom in wheelchairs. Ultimately, a jury convicted 10 Montana Freemen on a variety of fraud and armed robbery charges.⁹⁴ Leader LeRoy Schweitzer received a sentence of 22 years in prison, where he died in 2011.⁹⁵

Sovereigns are not without mainstream sympathizers. A commenter on the SPLC website notes,

I think it's too easy to dismiss the sovereigns as wackos who have no respect for the law. These are everyday Americans who feel betrayed by their country and feel the need to do something about it. That part is very real. I think there is a lack of trust going on with our political and financial systems that fuel movements like the sovereign citizens. With the huge gap between the rich and the poor continuing to grow, I find movements like these to be commonplace.⁹⁶

2. Globalization of the Movement

Initially an American phenomenon, anti-government sentiments and actions appear to be spreading to other English-speaking countries and beyond.⁹⁷ Although the emergence of sovereign citizens is recent in Canada, there are remarkable similarities with their counterparts in the United States. Canadian authorities became aware of the movement in

⁹³ "Prosecutors Open Trial for Freemen Leaders, Say Trial Is about Fraud, not Politics," History Commons, May 27, 1998, <http://www.historycommons.org/context.jsp?item=a052798freemenfraud&scale=0#a052798freemenfraud>.

⁹⁴ History Commons, "Prosecutors Open Trial."

⁹⁵ Keith Coffman, "Montana Freemen Leader Dies in Colorado Prison," *Reuters*, September 20, 2011, <https://www.reuters.com/article/us-freemen-leader-death/montana-freemen-leader-dies-in-colorado-prison-idUSTRE78K08Q20110921>.

⁹⁶ Tyler, October 30, 2012, comment on Leah Nelson, "New Georgia Law Targets Antigovernment Sovereign Citizens," Southern Poverty Law Center, April 18, 2012, <https://www.splcenter.org/hatewatch/2012/04/18/new-georgia-law-targets-antigovernment-sovereign-citizens>.

⁹⁷ Stephen A. Kent, "Freemen, Sovereign Citizens, and the Challenge to Public Order in British Heritage Countries," *International Journal of Cultic Studies* 6 (2015):1, <http://www.icsahome.com/articles/freemen-sovereign-citizens>.

2013, and now estimate 30,000 individuals claim exemption from Canadian laws. Individuals proclaim themselves to be a Freeman-on-the-Land, and exert this status by driving without licenses and refusing to pay income taxes. They may also identify as sovereign citizens, or members of the Natural Persons movement. The overarching belief system is that they are freeing themselves from government tyranny.⁹⁸

Many of the more vocal advocates of this movement insist they do not promote violence; however, confrontations during traffic stops and legal proceedings have occasionally escalated. Increased levels of frustration and desperation may be the impetus behind this escalation. An added safety concern for law enforcement and courts is the belief by Freemen of their right to possess firearms for their own protection.⁹⁹ They also frequently produce or possess illegal drugs. Tactics include making demands to the Bank of Canada to allow them to withdraw funds on non-existent accounts. Other behaviors noted by police include “squatting in unoccupied homes, creating their own personal identification papers, filing lawsuits against officials and issuing a ‘bill for services rendered’ after an interaction with a police officer.”¹⁰⁰

Although U.S. authorities consider sovereign citizens a domestic terror threat, Canadian authorities do not currently place the Freemen in this category. Most Canadian groups profess their peaceful intentions; however, their non-violence is probably more attributable to stricter gun laws. Followers in the United States have greater access to firearms than they do in Canada, and some sovereign citizens actively participate in militias, which may partially explain the FBI’s decision to categorize them as domestic terrorists.¹⁰¹

⁹⁸ Kent, “Challenge to Public Order,” 12.

⁹⁹ Darryl Dyck, “‘Sovereign Citizen’ Movement Worrying Officials as 30,000 Claim They ‘Freed’ Themselves,” *National Post*, September 2, 2013, <http://nationalpost.com/news/canada/sovereign-citizen-movement-worrying-officials-as-30000-claim-they-freed-themselves-from-canadas-laws/wcm/645791ce-2265-4f35-a017-738133853e14>.

¹⁰⁰ Bill Graveland, “Freemen-on-The-Land: Little-Known ‘Sovereign Citizen’ Movement Emerged from Shadows in 2013,” *Huffington Post*, December 18, 2013, http://www.huffingtonpost.ca/2013/12/18/freemen-on-the-land-sovereign-citizen_n_4464130.html.

¹⁰¹ Graveland.

To address growing concerns, the Royal Canadian Mounted Police are conducting training and awareness programs for their officers, as interactions with the followers of this movement may result in violence during routine interactions. Canadian officials currently do not believe that these individuals pose any threats to the public, but still recommend approaching them with caution due to illegal activities and occasionally violent and even fatal incidents.¹⁰² The increase in the number of anti-government incidents has created concern for even the Canadian Security Intelligence Service. "We've been paying attention to them," said John Thompson from the Mackenzie Institute, an organization that studies terrorism, political extremism and organized crime.¹⁰³

As in the United States, Canadian sovereigns place inexplicable importance on having their fictitious documents notarized. The society of notaries has discouraged its members from granting legitimacy to these documents, which has led to a number of confrontations that required police intervention. The movement is growing due to the 2007 economic downturn and nationwide seminars. Canada has its own sovereign guru; a man from Manitoba named Dean Clifford, who promotes the sovereign gospel by selling tickets to his nationwide seminars on his website. Ron Usher of the Society of British Columbia Notaries commented that the movement "appeals to the angry male whose life isn't working out very well."¹⁰⁴

The Canadian right-wing movement has one distinct difference from its U.S. counterpart; it is secular in its foundation rather than having a basis in Christian Identity theory.¹⁰⁵ Strong religious overtones persist in the U.S. version of the movement.¹⁰⁶ Although the U.S. demographic has expanded to include minorities, followers are primarily

¹⁰² Dyck, "Sovereign Citizen' Movement Worrying Officials."

¹⁰³ Graveland, "Freemen-on-the-Land."

¹⁰⁴ Dene Moore, "Anti-government Sovereign Citizen Movement Claims 30,000 Members and Growing in Canada," *The Star*, September 3, 2013, https://www.thestar.com/news/canada/2013/09/03/antigovernment_sovereign_citizen_movement_claims_30000_members_and_growing_in_canada.html.

¹⁰⁵ Barbara Perry and Ryan Scrivens, "Uneasy Alliances: A Look at the Right-Wing Extremist Movement in Canada," *Studies in Conflict & Terrorism* 39, no.9 (February 2016): 820, <http://dx.doi.org/10.1080/1057610x2016.1139375>.

¹⁰⁶ Weir, "Sovereign Citizens," 837.

white supremacists and members of the far right; in contrast, many of the Canadian sympathizers are from the First Nations aboriginal peoples. Particularly in British Columbia, this long-oppressed group has organized themselves under the banner of the Squamish Sovereign Government, going so far as to distribute their own license plates and form their own police force.¹⁰⁷

Sovereign tactics in Canada are a mirror image of the experience in the United States, with a particular focus on the courts, where authorities note that court cases range from the “bizarre to the criminal.”¹⁰⁸ Canadian Freemen have filed lawsuits and multimillion-dollar liens against police officers, Crown lawyers and judges. Many sovereigns find themselves facing tax evasion, contempt and other criminal charges.¹⁰⁹ They are generally very surprised when sentenced to prison; particularly after telling a judge the Criminal Code and federal guns laws are not applicable to them. Tactics and arguments are seldom successful; the only one who truly benefits financially from this movement is the guru selling seminar tickets.¹¹⁰ Rather than seeking effective legal counsel, Usher adds, “It looks like desperate people spending their last nickel on bad advice.”¹¹¹

The North American continent does not hold a monopoly on citizens that feel victimized by the government. There are indications that an anti-government movement is growing in the United Kingdom, New Zealand, and Australia. Sovereign ideology and tactics have proliferated across the English-speaking world via the Internet.¹¹² The perceived causes of the growth in the movement bear striking similarities to its foundations in the United States during the farm debt crisis of the late 1970s. Farming has never been a reliable source of income; however, circumstances hit U.K. farmers particularly hard. In addition to the financial pressures experienced by their U.S. and Canadian counterparts,

¹⁰⁷ Dyck, “Sovereign Citizen’ Movement Worrying Officials.”

¹⁰⁸ Moore, “Anti-government Sovereign Citizen Movement.”

¹⁰⁹ Moore.

¹¹⁰ Dyck, “Sovereign Citizen’ Movement Worrying Officials.”

¹¹¹ Dyck.

¹¹² Kent, “Challenge to Public Order,” 1–2.

climactic conditions, disease outbreaks, and global competition have led to a 75 percent reduction in farm income, and more than 20,000 farmers have lost their property.¹¹³ There is speculation that these factors, along with other complaints, have led individuals to join the British equivalent of the Freemans.¹¹⁴

A quest for socio-economic justice is an over-arching sentiment expressed by members of many activist groups, including the Occupy movement that originated in New York that has since reached a global audience.¹¹⁵ In jargon similar to sovereign citizen beliefs, language from the Occupy London website is indicative of the libertarian nature of the resistance,

Governments have failed catastrophically to implement the economic and social changes that are needed. They have failed to protect their citizens' interests against those of corporations and the financial markets. Ordinary people are being forced to pay for a crisis they didn't cause... The horizontal model of Occupy allows for every voice to be heard. Every individual who participates stands equal to everyone else.¹¹⁶

The remarkable similarity of the movement across borders seems indicative of a common sense of frustration. The Internet provides a mechanism for sharing and proliferating reactions and tactics. This may suggest one possible solution to combatting the ideology. Just as sovereigns currently use the Internet to promote their message and illicit solutions, courts or other authorities can create websites to educate the public on legitimate ways to solve their financial or legal problems.

B. IDEOLOGICAL MARKERS

There are some common practices of this ideology that aid in their identification, even though the term "sovereign citizen" has become a catch-all term for many anti-

¹¹³ Steven Gorelick, "The Farm Crisis: How We Are Killing the Small Farmer," *Ecologist* (June 2000): 1, https://www.localfutures.org/the-farm-crisis/?option=com_docman&task=doc_download&gid=2&Itemid=24.

¹¹⁴ Kent, "Challenge to Public Order," 8.

¹¹⁵ Sam Halvorsen, "Beyond the Network? Occupy London and the Global Movement," *Social Movement Studies* 11, no. 3–4 (August 2012): 427, <http://dx.doi.org/10.1080/14742837.2012.708835>.

¹¹⁶ "About Occupy London," Occupy London, October 26, 2011, <http://www.occupylondon.org.uk/about/>.

government groups and individuals.¹¹⁷ The University of North Carolina, School of Government provides “A Quick Guide to Sovereign Citizens” that assists in recognizing some of the more common markers. Many refuse to obtain drivers’ licenses or vehicle tags, passports, or other forms of government identification, and may create their own official-looking documents.¹¹⁸ They do not recognize such legitimate debts as taxes, mortgages, or credit card debt or other types of loans – although many are quick to claim any public assistance or other proceeds of the system that they are due. They may organize their own “common law courts” to issue judgments against public officials.¹¹⁹ The First Amendment protects these “trials” until the participants make an actual threat against the “accused.”¹²⁰ They aggressively question the legitimacy and legal authority of law enforcement officials, judges and court employees.¹²¹ Through a combination of conspiracy theory and creative interpretation of history, they may claim that the United States is under martial law; federal and state governments are really corporations; financial institutions are illegitimate and therefore any actions they take are unenforceable; and some amendments to the U.S. Constitution, particularly any after the Fourteenth, are invalid.¹²²

The Fourteenth Amendment provides the relevant language for the ideology; it states, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof [emphasis added], are citizens of the United States and the State wherein they reside.” Thus, U.S. citizenship is contractual, and therefore requires the consent of each individual citizen. The adherents of this ideology extend their rejection of entering into what they perceive as contracts with the government by refusing driver’s licenses, social security cards, hunting licenses, and virtually any other form of government-issued

¹¹⁷ University of North Carolina, “A Quick Guide,” 1.

¹¹⁸ University of North Carolina, “A Quick Guide,” 1.

¹¹⁹ Fleishman, “Paper Terrorism,” 8.

¹²⁰ Julia Melle, “Illogical Extremes: The Sovereign Citizens Movement and the First Amendment,” *Temple Political & Civil Rights Law Review* 22, no. 2 (2013): 584, <http://heinonline.org/HOL/Page?handle=hein.journals/tempcr22&collection=journals&id=580&startid=580&end=612>.

¹²¹ University of North Carolina, “A Quick Guide,” 2.

¹²² U.S. Department of Justice-Federal Bureau of Investigation, “WACO Past Conferences.”

documentation.¹²³ Sovereign citizens view government transactions as negotiable by utilizing common law.¹²⁴ The sovereigns' version of common law is a combination of the Bible, the Magna Carta, the Bill of Rights, and the original articles of the U.S. Constitution.¹²⁵ Another common defense includes the use of language from the Uniform Commercial Code (UCC).¹²⁶ Although sovereign citizens reject most governmental authority, they believe it is necessary to legitimize the documents that they file through validation by a notary public, and are actually taking advantage of the very system that they reject in the advancement of their views.¹²⁷

The language used in sovereign citizen filings, which may be prepared on authentic forms and initially appear to be legal, may puzzle court staff and even judges. Judicial officers and staff should become familiar with the unique characteristics of these filings. Some of the markers include names spelled in all capitals, with colons or dashes interspersed; odd references to the Bible, Magna Carta, U.S. Constitution, or foreign treaties; personal seals, stamps, or red thumb prints; bracketed zip codes; the phrase "Accepted for Value"; or signatures followed by phrases such as "under duress", "without prejudice", the copyright symbol ©, or reference to section 1-308 of the UCC. The document may include writing in red ink or crayon. Envelopes may contain more than \$20 in postage stamps, regardless of the amount required.¹²⁸ This last tactic owes to the

¹²³ Fleishman, "Paper Terrorism," 7.

¹²⁴ Common law is "a body of law that is based on custom and general principles and embodied in case law and that serves as precedent or is applied to situations not covered by statute." *Merriam-Webster*, s.v. "common law," accessed October 22, 2016, <http://www.merriam-webster.com/dictionary/common%20law>.

¹²⁵ Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), 110.

¹²⁶ "The Uniform Commercial Code (UCC), a comprehensive code addressing most aspects of commercial law, is generally viewed as one of the most important developments in American law. The UCC is a model code, so it does not have legal effect in a jurisdiction unless UCC provisions are enacted by the individual state legislatures as statutes." "Duke Law - Uniform Commercial Code," Duke University, accessed October 22, 2016, <https://law.duke.edu/lib/researchguides/ucc/>.

¹²⁷ U.S. Department of Justice-Federal Bureau of Investigation, "WACO Past Conferences."

¹²⁸ U.S. Department of Justice-Federal Bureau of Investigation.

mistaken belief that damages in excess of \$20 will trigger resolution by a common law jury under the Seventh Amendment.¹²⁹

Sovereign citizen websites and seminars offer false promises to those seeking help in avoiding foreclosures, unpaid taxes, or some other form of debt relief. According to sovereign citizen beliefs, debtors can transfer financial obligations to the U.S. Treasury through a process known as redemption.¹³⁰ Redemption theory evolved from belief in the strawman identity.¹³¹ Sovereigns believe that everyone is born with two identities—the flesh and blood person, and a “government-controlled and enslaved strawman.”¹³² When the United States abandoned the gold standard in 1933, sovereigns came to believe the country collateralized its citizens to foreign investors, thus enslaving them.¹³³ This secret Treasury account contains anywhere from \$600,000 to \$20 million, with \$630,000 as the amount most commonly referenced.¹³⁴ The redemption process serves two purposes: one frees them from the jurisdiction of all laws; the other suggests that they can obtain the money in their strawman account for their own purposes.¹³⁵

Another common identifying marker of sovereign citizens is use of the “flesh and blood defense.”¹³⁶ The basic argument presented by sovereign citizens that attempt this tactic is the avoidance of any acknowledgement that a court has jurisdiction over them. They may refuse to state their name for the record. Some defendants even attempt to refute they are the person named in an indictment if the charging document lists their name in all

¹²⁹ The 7th Amendment states, “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of common law.” During this time in our history, \$20 was a lot of money.

¹³⁰ U.S. Department of Justice-Federal Bureau of Investigation, “WACO Past Conferences.”

¹³¹ University of North Carolina, “A Quick Guide,” 2.

¹³² University of North Carolina, 2.

¹³³ Southern Poverty Law Center, “Sovereign Citizens Movement.”

¹³⁴ University of North Carolina, “A Quick Guide,” 2.

¹³⁵ Southern Poverty Law Center, “Sovereign Citizens Movement.”

¹³⁶ James Erickson Evans, “The Flesh and Blood Defense,” *William & Mary Law Review* vol. 53 (2012):1363, <http://heinonline.org/HOL/Page?handle=hein.journals/wmlr53&collection=journals&id=1371&startid=1371&end=1406>.

capital letters. Under this fake legal theory, a name in all capital letters represents the corporate citizen identified on a Social Security card rather than the flesh and blood person.¹³⁷ No competent attorney would ever attempt this strategy; only pro se (self-represented) litigants attempt this defense.¹³⁸ Flesh and blood defendants compound this nuisance when they file civil lawsuits against the judge on their criminal case, and subsequently claim a conflict of interest now prevents the judge from hearing the original matter.¹³⁹

C. HISTORY OF VIOLENCE

In April of 1992, a Michigan resident sent letters to the state declaring that he was no longer “a citizen of the corrupt political corporate State of Michigan and the United States.” He declared that he was subject only to the “common laws.” Terry Nichols, who was later involved in the 1995 bombing of the Murrah Federal Building in Oklahoma City, sent this letter.¹⁴⁰

Other examples of violence stem from the tremendous mistrust of lawyers felt by these groups. This suspicion originated in a belief in a Thirteenth Amendment to the U.S. Constitution that never existed. This Amendment supposedly prevented the granting of titles of nobility and honorifics, such as “Esquire.”¹⁴¹ The theory is this Amendment barred attorneys from holding public office, so therefore attorneys removed it from the Constitution.¹⁴² This distrust of attorneys extends to all public officials.

Some sovereign citizens have issued arrest warrants, subpoenas, and occasionally, death sentences, against government officials.¹⁴³ Although officials generally ignore these

¹³⁷ Evans, “The Flesh and Blood Defense, 1372.

¹³⁸ Evans, “The Flesh and Blood Defense,” 1363.

¹³⁹ Evans, 1373.

¹⁴⁰ Fleishman, “Paper Terrorism,” 10.

¹⁴¹ “The title Esquire is a term typically used in the United States to designate a person who may practice law.” Joshua Craven, “What Does Esquire Mean?” accessed October 31, 2016, <https://lawschooli.com/what-does-esquire-mean/>.

¹⁴² Fleishman, “Paper Terrorism,” 8.

¹⁴³ Fleishman, 8.

documents, a chilling example of this occurred in Las Vegas in 2013 when an undercover police operation prevented members of the sovereign citizens from carrying out their plan to kidnap, place on trial, and execute police officers.¹⁴⁴

The arrest of David Allan Brutsche and Devon Campbell Newman foiled a scheme intended to gain global notoriety.¹⁴⁵ Las Vegas Police Lt. James Seebock believed the case was a domestic terror plot and told reporters, “They were furthering their ‘sovereign citizen’ ideology by committing criminal acts toward law enforcement.”¹⁴⁶ The pair purchased guns and rigged a vacant house with a means of binding captives to cross beams so that they could torture and interrogate them during a “trial,” before executing them. During the subsequent arraignment of the pair, Brutsche said, “I object to the entire proceedings of this court, for the record.”¹⁴⁷ In a negotiated plea deal, both defendants received probation. As part of the plea agreement, Brutsche is required to steer clear of the sovereign citizen movement, and faces jail time for non-compliance with the judge’s order.¹⁴⁸

In another Las Vegas incident, Jerad and Amanda Miller executed two police officers in a local pizza parlor. The Millers then took over a nearby Walmart where they shot an armed citizen who was attempting to intervene. They subsequently killed themselves during a shoot-out with police. The married couple spoke frequently with their neighbors of their anti-police and anti-government ideology, and of their intent to carry out a Columbine-style shooting. Their intent was to kill as many police officers as possible

¹⁴⁴ Ed Payne, “Police: ‘Sovereign Citizens’ Planned to Execute Las Vegas Cops,” CNN, August 23, 2013, <http://www.cnn.com/2013/08/23/us/las-vegas-police-kidnapping-plot/>.

¹⁴⁵ Iris Carreras, “Sovereign Citizens Murder Plot: Devon Campbell and Devin Brutsche Charged with Plotting to Kill Vegas Police,” CBS News, August 23, 2013, <http://www.cbsnews.com/news/sovereign-citizens-murder-plot-devon-campbell-and-devin-brutsche-charged-with-plotting-to-kill-vegas-police/>.

¹⁴⁶ Carreras.

¹⁴⁷ “Anti-authority Couple who ‘Plotted to Kidnap, Torture and Execute Las Vegas Police Officers’ Tell Judge They Do Not Recognize His Power,” *Daily Mail*, August 23, 2013, <http://www.dailymail.co.uk/news/article-2401172/Las-Vegas-anti-authority-couple-David-Allen-Brutsche-Devon-Campbell-Newman-tell-judge-DO-NOT-recognize-authority.html>.

¹⁴⁸ Chellie Cervone, “Domestic Terrorist David Allen Brutsche Receives Expected Plea Deal,” *Las Vegas World News*, April 13, 2014, <http://www.lasvegasworldnews.com/domestic-terrorist-david-allen-brutsche-receives-expected-plea-deal/16735/>.

before killing themselves.¹⁴⁹ The Millers moved to Las Vegas from Indiana to participate in the armed standoff between cattle rancher Cliven Bundy and the Bureau of Land Management. Militia members from across the country flocked to the Bundy Ranch to participate in the confrontation. The Miller's extremist views were even too radical for the other militia members. In addition to Jerad's criminal history, these views led to the expulsion of the Millers from the ranch.¹⁵⁰ After fatally shooting the two police officers, they covered the bodies with a yellow Gadsden flag, which features the phrase, "Don't Tread on Me," along with a note that stated, "This is the beginning of a revolution." A manifesto found in a subsequent search of their apartment spoke of "tyrant" and "suicide."¹⁵¹ In addition to their plans to execute police officers, the manifesto indicated a plan to take over a courthouse to execute public officials.¹⁵² In a rambling YouTube video, Miller rants about government surveillance and the judicial system:

A courthouse is a building people have to go to, or else they go to jail. You gotta go get your marriage license; you gotta go get gun permits. Whatever it is, you have to go down to the big, stone structure, monument to tyranny and submit, crawling and groveling on your hands and knees. 'Oh, give me permission to do this, give me permission to do that.' I dunno, sounds a little like Nazi Germany to me or maybe Communist Russia.¹⁵³

There have been numerous documented violent actions or threats committed by sovereign citizens. Incidents include shootings, assaults, and violent threats and plots against law enforcement, government personnel, and public officials. Figure 2 is a graphic display of the most violent attacks documented nationwide from 1995 to 2012.

¹⁴⁹ Nina Golgowski and Joe Kemp, "Las Vegas Cop-Killing Couple Left Swastika-stamped Manifesto on Officer's Body, Previously Warned of Columbine Killing," *NY Daily News*, June 9, 2014, <http://www.nydailynews.com/news/crime/couple-accused-killing-las-vegas-cops-civilian-white-supremacist-meth-heads-authorites-article-1.1822387>.

¹⁵⁰ Sasha Goldstein, "Las Vegas Cop-Killer Jerad Miller Protested at Cliven Bundy Ranch - but Was Booted for 'Very Radical' Views," *NY Daily News*, June 9, 2014, <http://www.nydailynews.com/news/crime/jerad-miller-protested-cliven-bundy-ranch-booted-radical-views-article-1.1822995>.

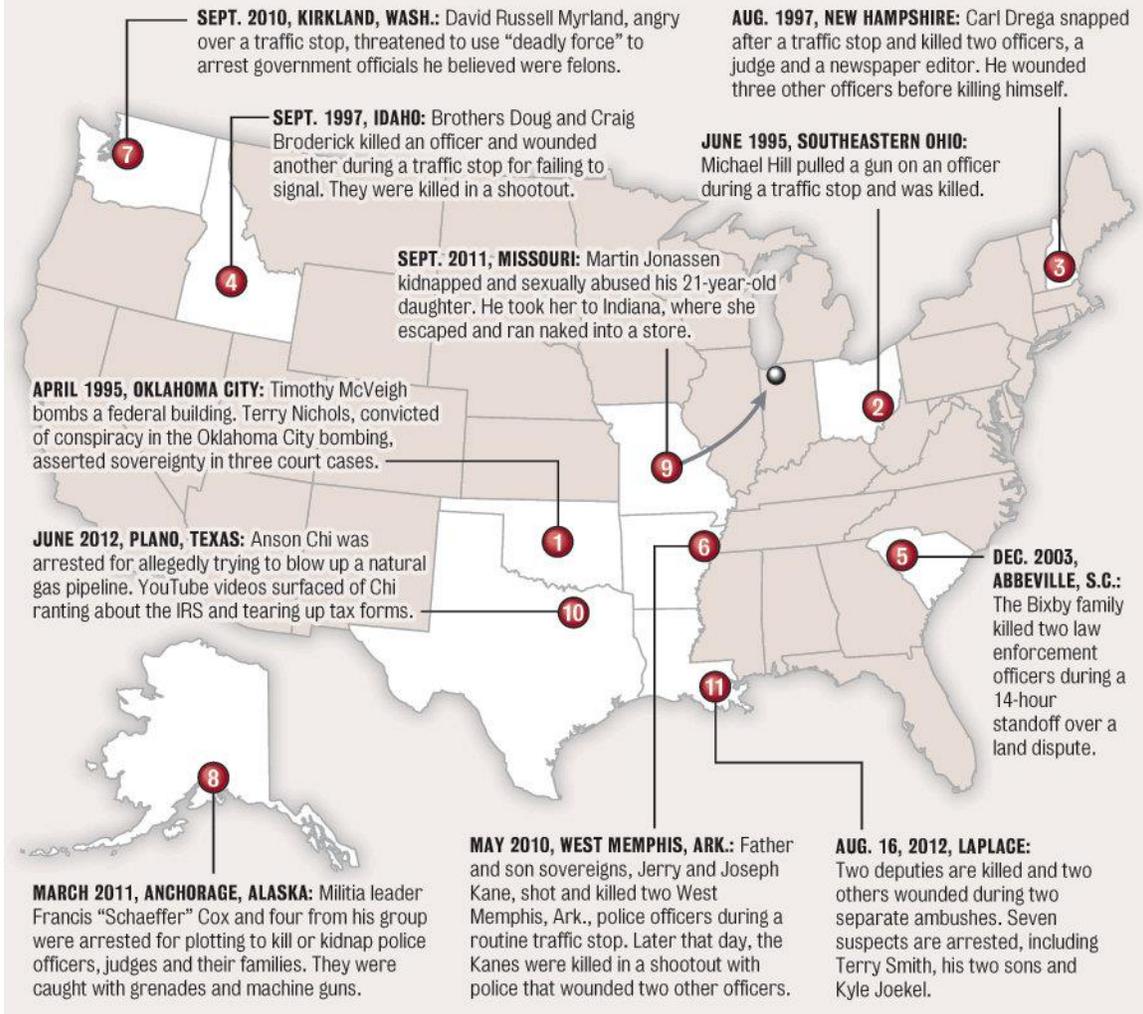
¹⁵¹ Golgowski and Kemp, "Las Vegas Cop-Killing."

¹⁵² J. Oliver Conroy, "They Hate the U.S. Government, and They're Multiplying: The Terrifying Rise of 'Sovereign Citizens,'" *The Guardian*, May 15, 2017, <https://www.theguardian.com/world/2017/may/15/sovereign-citizens-rightwing-terrorism-hate-us-government>.

¹⁵³ Goldstein, "Las Vegas Cop-Killer."

VIOLENT ENCOUNTERS WITH SOVEREIGN CITIZENS

A look at some self-declared “sovereign citizens” and their clashes with the law:



Source: Southern Poverty Law Center, staff research

DAN SWENSON / GRAPHICS REPORTER

Figure 2. Violent Incidents¹⁵⁴

Sovereign citizens may feel their only recourse is violence if they believe the government is infringing upon their rights. Predicting future violence is not dependent upon how deeply embedded an individual is in the movement. Analysis of past occurrences

¹⁵⁴ Source: Dan Swenson, “Violent Encounters with Sovereign Citizens,” *Times-Picayune*, October 6, 2012, http://media.nola.com/crime_impact/photo/map-sovereign-usjpg-8f85ff7003afa1cc.jpg.

shows “the outliers pose the greatest risk.”¹⁵⁵ Participation with a group may provide an outlet for anger; lacking a sense of community may create the desperation that leads to violence.¹⁵⁶ Given the intense hatred and mistrust of government, attorneys and authority, combined with a potential for extreme violence, sovereign citizens may pose a serious threat to court security.

D. CLASSIFYING SOVEREIGN CITIZENS AS TERRORISTS

If their primary weapon is paper, is it appropriate to classify sovereign citizens as terrorists? Finding a strict definition of terrorism is both academically and politically difficult. A search on *Google Scholar* for a “definition of terrorism” produces 648,000 search results.¹⁵⁷ In spite of decades of scholarly research on the topic, terrorism still lacks a universally accepted definition.¹⁵⁸ The definition may depend on the bias of the group attempting to articulate one. Academics, government officials, journalists, and members of the public all have different viewpoints; current events strongly influence many.¹⁵⁹

A single definition is so elusive that, as Bruce Hoffman states in *Inside Terrorism*, “there is no one widely accepted or agreed upon definition for terrorism. Different departments or agencies of even the same government will themselves often have very different definitions for it.”¹⁶⁰ Two of these definitions are applicable to sovereigns. First, the U.S. Department of Defense defines terrorism as “the calculated use of unlawful violence or the threat of unlawful violence to inculcate fear; intended to coerce or intimidate governments or societies in the pursuit of goals that are generally political,

¹⁵⁵ J. J. MacNab, “What Las Vegas Police Killings Show about Evolving Sovereign Movement,” *Forbes*, June 13, 2014, <https://www.forbes.com/sites/jjmacnab/2014/06/13/what-las-vegas-police-killings-show-about-sovereign-movement/#5f0713d42a28>.

¹⁵⁶ MacNab.

¹⁵⁷ *Google Scholar*, s.v. “terrorism,” accessed October 23, 2016, https://scholar.google.com/scholar?q=definition+of+terrorism&btnG=&hl=en&as_sdt=0%2C29.

¹⁵⁸ Andrea Locatelli and Raul Caruso, *Understanding Terrorism: A Socio-Economic Perspective* (UK: Emerald Group Publishing Limited, 2014), 1.

¹⁵⁹ Locatelli and Caruso, 3.

¹⁶⁰ Hoffman, *Inside Terrorism*, 30.

religious, or ideological objectives.”¹⁶¹ Second, the Department of Homeland Security defines it as “any activity that involves an act that: is dangerous to human life or potentially destructive of critical infrastructure or key resources; and must also appear to be intended (i) to intimidate or coerce a civilian population; or (ii) to influence the policy of a government by intimidation or coercion.”¹⁶² Although sovereign citizen activity is often criminal, there are key differences that move it into the realm of domestic terrorism. A profit motive drives most ordinary criminal behavior; a specific ideology and a greater cause motivate most terrorists.¹⁶³ The anti-government actions of sovereign citizens fit well within these definitions.

Identifying the root causes of terrorism assists in its definition. Stephen Younger, Director of the Defense Threat Reduction Agency, asserts, “The single most important thing we can do to predict future acts of terrorism is to understand the causes of terrorism.”¹⁶⁴ In “Terrorism Definitions and Typologies,” Cunningham calls it a “fool’s errand” to even attempt to stereotype terrorists or develop an all-encompassing definition of terrorism.¹⁶⁵ It is understandable that bias may creep into framing the discussion. Cunningham further notes, “Institutional perspective, disciplinary framework or personal experience” all contribute to “definitional confusion” over this often-emotional topic.¹⁶⁶ Within the context of this definition, there are four models for framing terrorism. It may be

¹⁶¹ Joint Chiefs of Staff, *Department of Defense Dictionary of Military and Associated Terms*, JP-02 (Joint Chiefs of Staff, 1994), 462, https://fas.org/irp/doddir/dod/jp1_02.pdf

¹⁶² Homeland Security Act of 2002, Pub. L. No. 107–296, *U.S. Statutes at Large* 116 (2002): 7. https://www.dhs.gov/xlibrary/assets/hr_5005_enr.pdf.

¹⁶³ Jerome P. Bjelopera, *Domestic Terrorism: An Overview*, CRS Report No. R44921 (Washington, DC: Congressional Research Service, 2017), <https://fas.org/sgp/crs/terror/R44921.pdf>.

¹⁶⁴ Frederick Ernst et al., introduction to *Terrorism: Concepts, Causes, and Conflict Resolution* (Fort Belvoir, VA: Defense Threat Reduction Agency 2003), 3, http://www.au.af.mil/au/awc/awcgate/dtra/terrorism_concepts.pdf.

¹⁶⁵ William G. Cunningham, Jr., “Terrorism Definitions and Typologies,” in *Terrorism: Concepts, Causes, and Conflict Resolution*, ed. Frederick Ernst et al. (Fort Belvoir, VA: Defense Threat Reduction Agency, 2003), 5, http://www.au.af.mil/au/awc/awcgate/dtra/terrorism_concepts.pdf.

¹⁶⁶ Cunningham, 6.

a form of crime, warfare, liberation struggle, or reaction to perceived socio-economic grievances.¹⁶⁷

The objective of most terrorists is to inflict some form of damage on a specific target, and there is usually a political goal.¹⁶⁸ A common theme is the threat or use of violence, which implies loss of property and human life; however, functional disruptions that threaten the ability of society to function should be included in this definition. Political goals advanced through either destruction or *disruption* [emphasis added] contain threats intended to intimidate, harass, or coerce.¹⁶⁹ Terrorism is a form of communication that takes an indirect approach to destabilizing and overthrowing governments.¹⁷⁰ Although sovereign citizens lack a coherent or consistent philosophy, the one common denominator is suspicion and frustration directed at government and government officials.¹⁷¹

Further complicating the definition, Michelle Mallek suggests in a Naval Postgraduate School thesis that the term “sovereign citizen” is overused.¹⁷² Mallek’s thesis examines reasons why the term is over-used, and outlines the problems this creates, especially for law enforcement. Because the term may be misapplied, it can make it difficult to determine whether legislative or educational efforts are effective, the number of sovereign citizens is increasing or decreasing, or non-violent behaviors are future indicators of violence.¹⁷³ Many of the characteristics that Hoffman uses to describe Islamic terrorists can also be attributed to sovereign citizens: “the legitimation of violence by reference to religious precepts, the sense of alienation, the existence of a terrorist

¹⁶⁷ Cunningham, 7.

¹⁶⁸ Locatelli and Caruso, *Understanding Terrorism*, 5.

¹⁶⁹ Locatelli and Caruso, 7.

¹⁷⁰ Locatelli and Caruso, 7–8.

¹⁷¹ Melle, “Illogical Extremes,” 565.

¹⁷² Michelle M. Mallek, “Uncommon Law: Understanding and Quantifying the Sovereign Citizen Movement” (master’s thesis, Naval Postgraduate School, 2016), 7, <https://www.hsdl.org/?view&did=798893>.

¹⁷³ Mallek, 8.

movement in which the activists are the constituents, and a preoccupation with the elimination of a broadly defined category of enemies.”¹⁷⁴

Mallek’s work indicates that only a small sub-set of sovereign citizens deserve classification as terrorists due to threats or the actual use of violence; however, tactics based on their anti-government ideology result in the functional disruption of a critical government entity. The zealous believers within the sovereign citizen movement are vehemently anti-government, promote radical change through intimidation, and have been shown to use violence when frustrated or enraged.¹⁷⁵ The actions of the group are a form of coercion intended to change the government through intimidation and violence.¹⁷⁶ There is an “assumption that an act of terrorism is a deliberate choice by a political actor. The organization, as a unit, acts to achieve collective values, which involve radical changes in political and social conditions.”¹⁷⁷ Lone actors or pairs of like-minded individuals are responsible for most violent actions; sovereign citizens rarely act as a unit.

In a 2014 thesis, Piper Blotter Biery concludes that the term “terrorist organization” is not a precise definition of sovereign citizens.¹⁷⁸ Using the Cultural Mapping method, Biery determines that sovereign activity is not routinely violent, and classifying the limited acts of violence as lone-wolf terrorism is more appropriate.¹⁷⁹ Isolated instances of group actions have occurred, including the January 2016 occupation of the Malheur Wildlife Refuge in Oregon, and the 2014 standoff at the Bundy Ranch between the Bureau of Land Management and militia who flocked there in support of the ranchers. This type of collective activism is rare. For most, although they have adopted the basic ideology of the group, their own needs and self-interests determine their actions.¹⁸⁰

¹⁷⁴ Hoffman, *Inside Terrorism*, 97.

¹⁷⁵ Southern Poverty Law Center, “Sovereign Citizens Movement.”

¹⁷⁶ Southern Poverty Law Center.

¹⁷⁷ Southern Poverty Law Center.

¹⁷⁸ Piper Blotter Biery, “A Cultural Topography of the Sovereign Citizen Movement: Are They a Terrorist Threat” (master’s thesis, Utah State University, 2014), 55, <https://digitalcommons.usu.edu/etd/3562/>.

¹⁷⁹ Biery, 56.

¹⁸⁰ Bell, “The Shifting Ideological Winds,” 16.

Conspiracy theories play a prominent role in sovereign citizen ideology. In *The Paranoid Style*, Richard Hofstadter contends, “American political life has rarely been touched by the most acute varieties of class conflict; it has served again and again as an arena for uncommonly angry minds.”¹⁸¹ The mistrust of the government by these individuals is clearly an example of what Hofstadter terms “suspiciousness and conspiratorial fantasy.”¹⁸² The author further states that these types of movements are cyclical; that there have always been individuals disposed to a paranoid worldview; and suggests that social conflicts may push those already predisposed to paranoia into taking action.¹⁸³ According to Michael Barkun’s *A Culture of Conspiracy*, individuals who believe in conspiracy theories become convinced that those who do not share their worldview are “just another part of the plot...What may be utterly mundane to us has sinister connotations for the conspiracy.”¹⁸⁴ Although some sovereign citizens are angry over perceived government betrayals and do not suffer from a personality disorder, paranoia is an appropriate classification for many of these individuals.¹⁸⁵ In a discussion of political cults, Tourish and Wohlforth indicate that there are extremists who are convinced that their problem “lies...with the external world rather than themselves.”¹⁸⁶

There is always the chance that violence will increase as the success of the group declines, but ultimately, sovereign citizens, as a group, are weaker than the governmental authorities they oppose.¹⁸⁷ Poverty alone does not create terrorists; however, financial problems appear to be a strong component of a sovereign citizen’s identity.¹⁸⁸ People are

¹⁸¹ Richard Hofstadter, *The Paranoid Style in American Politics: An Essay* (New York: Vintage Books, 1965), Kindle eBook, Location 43.

¹⁸² Hofstadter, 47.

¹⁸³ Hofstadter, 525.

¹⁸⁴ Michael Barkun, *A Culture of Conspiracy: Apocalyptic Visions in Contemporary America* (Berkeley: University of California Press, 2003), 4–5.

¹⁸⁵ Kent, “Challenge to Public Order,” 12.

¹⁸⁶ Dennis Tourish and Tim Wohlforth, *On the Edge: Political Cults Right and Left* (London: M.E. Sharpe, 2000), 32.

¹⁸⁷ Bell, “The Shifting Ideological Winds,” 16.

¹⁸⁸ Schwartz, Dunkel, and Waterman, “Terrorism: An Identity Theory Perspective,” 553.

less likely to jeopardize their future if they believe they have one.¹⁸⁹ As long as there are individuals who feel disenfranchised by the system, the sovereign citizens will have a ready group of future recruits.

¹⁸⁹ Schwartz, Dunkel, and Waterman, "Terrorism: An Identity Theory Perspective," 553.

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III. POTENTIAL SOLUTIONS

Sovereign citizens and paper terrorism do not appear to be diminishing. Law enforcement and the FBI have published numerous articles about the dangers associated with encountering members of this group. Less has been published offering solutions that are specific to the courts. While it is possible to mitigate some sovereign citizen behavior, First Amendment theories will be an important part of any legislation or policy to ensure constitutional protections.¹⁹⁰ Instead, according to Melle, because speech is generally protected, disruptive and criminal conduct should be the primary focus for policymakers.¹⁹¹

A. POLICY PROPOSAL

Brian S. Slater proposed in a Naval Postgraduate School thesis that courts, nationwide, should implement a submission review procedure at the time of filing. A single-page executive summary of the reason for the action would be completed and submitted as the top page of the filing.¹⁹² Slater further recommends:

A clerk then reviews the claim and if no specific claim is made, or if an entity that is not prosecutable, such as the entire U.S. government, then the claim is rejected. If the filing presents a claim, then the filing results in a frivolous finding or meritless claim, sanctions are imposed on the first offense. Further, subsequent meritless claims by the same individual, even for different purposes, are met with harsher sanctions or other progressive actions to correct the behavior.¹⁹³

While this approach would certainly discourage and potentially eliminate frivolous filings, it presents several problems; most notably, it is not legal. Established case law

¹⁹⁰ Melle, “Illogical Extremes,” 557.

¹⁹¹ Melle, 559–563.

¹⁹² Brian S. Slater, “Sovereign Citizen Movement: An Empirical Study on the Rise in Activity, Explanations of Growth, and Policy Prescriptions” (master’s thesis, Naval Postgraduate School, 2016), 69, <https://www.hsdl.org/?view&did=796640>.

¹⁹³ Slater, 69.

imposes limits on court clerk discretion and functions. In *Bowman v. Eighth Judicial District Court*, in 1986, the Nevada Supreme Court opined,

The clerk has a ministerial duty to accept and file documents. She has no authority to pass upon the validity of instruments presented for filing. The power to make any decision concerning the propriety of any paper submitted, or the right of a person to file a paper, is vested in the court, not the clerk. The clerk does have the right to exercise discretion regarding matters of form, but she does not have judicial discretion. Therefore, it is the duty of the court clerk to accept for filing any paper presented to her which is in acceptable form under court rules and is accompanied by the requisite fee unless she has specific instructions from the court to the contrary.

Under these circumstances, had the clerk (or the deputy clerk) refused to accept and file the motion to dismiss, she would have been guilty of a gross dereliction of duty as a ministerial officer.¹⁹⁴

Ministerial duties are non-discretionary acts performed by an administrative agency.¹⁹⁵ The distinction between a judicial and ministerial act is whether the act requires discretion. Ministerial acts are duties required and performed in the manner prescribed by law. These official duties have been found to be absolute, certain, and imperative. Members of administrative agencies face liability when they fail to perform a definite and specific ministerial act.¹⁹⁶

Courts are the guardian of individual rights against oppressive administrative action. The infringement of the interests of an individual through administrative action is a decisive factor in determining whether an official action is ministerial or discretionary and thus requiring judicial oversight. Obviously all official acts require the exercise of some level of judgment, including the acceptance of filings by a court clerk; however, the interpretation of statutes, examination of evidence, and resolving questions of law and fact,

¹⁹⁴ *Bowman v. The Eighth Judicial District Court*, 728 P.2d 433 (1986), <https://law.justia.com/cases/nevada/supreme-court/1986/16806-1.html>.

¹⁹⁵ U.S. *Legal*, s.v. “ministerial powers - administrative laws,” accessed October 10, 2016, <http://administrativelaw.uslegal.com/administrative-agencies/ministerial-powers/>.

¹⁹⁶ U.S. *Legal*.

are clearly discretionary, judicial duties.¹⁹⁷ Clerks may review and attempt to reject filings for a multitude of reasons, including incorrect jurisdiction or lack of conformity with established rules of procedure; however, if a litigant insists on submitting a document for filing, a clerk cannot reject it. Ultimately, as Clark County, Nevada legal counsel Robert Gower frequently says, “If someone wants to file the phonebook with the court, the clerks must accept it.”¹⁹⁸

The imposition of progressively harsher sanctions, as advocated by Slater, is also problematic. Sanctions are defined as “a penalty or punishment provided as a means of enforcing obedience to a law.”¹⁹⁹ While sanctions have merit as a means of deterrence, imposing punishment is outside the scope of clerical responsibilities and authority. Sanctions would require judicial review and a right to counsel.

Slater’s proposal is not entirely without merit or precedent. Courts can and do require cover sheets for other purposes, usually to assist in categorizing civil case subtypes for statistical reporting or to assist in case flow management. On July 1, 2014, for example, the Nevada Supreme Court amended the Justice Court Rules of Civil Procedure, as follows:

A civil action is commenced by filing a complaint with the court. Upon filing such a complaint, the filing party shall complete a civil cover sheet provided by the justice court, and approved by the state court administrator, that obtains certain information regarding the nature of the action being filed. This cover sheet shall be signed by the initiating party, or his or her representative, and the filing may be denied if unaccompanied by such a cover sheet.²⁰⁰

¹⁹⁷ Edwin W. Patterson, “Ministerial and Discretionary Acts,” *Michigan Law Review* 20, no. 8 (June 1922): 848–886, <http://www.jstor.org/stable/i254551>.

¹⁹⁸ Robert Gower serves as legal counsel to all Clark County Courts. The courts consult Gower whenever courts receive filings that include typical sovereign language. Gower conducts a legal review to determine if a legitimate pleading is contained within any of the language, as a default judgment may issue against the named defendant if ignored. This is a statement made by Mr. Gower on numerous occasions after reviewing one of these documents. This process is just one example of the extraordinary amount of staff time involved in dealing with these filings.

¹⁹⁹ *Black’s Law Dictionary*, s.v. “sanction,” accessed October 25, 2016, <http://thelawdictionary.org/sanction/>.

²⁰⁰ Supreme Court of the State of Nevada, “Order Amending Justice Court Rules of Civil Procedure Rule 3 and Rule 102, Administrative Docket 0496,” June 19, 2014, <http://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=33807>.

This cover sheet is very limited, however. It contains check boxes that indicate the nature of the controversy, without any indication of the filing contents. As the rule states, clerks may only reject a filing due to the absence of the cover sheet; there is no provision for reviewing its accuracy or the validity of the filing.

Access to justice is a fundamental human right; this right is suffering, both domestically and internationally, due to security threats and terrorism.²⁰¹ Ultimately, stopping paper terrorism and reducing interactions with these individuals will require a solution that balances the need for safety and efficiency for the court with the rights of individuals. U.S. citizens are entitled to due process and equal protection under the law; even those espousing sovereign citizen beliefs may have a legitimate legal complaint. Refusing to accept a filing is not a legal option; courts must pursue other legal remedies.

B. LEGISLATIVE ACTION

The Internet has made it easy for domestic terrorists to file bogus actions. Ultimately, the filings might not be effective, but can require victims to spend time and money undoing the effects.²⁰² The filings can negatively affect employment status, ability to obtain financing, purchase or sell a home, and other financial matters.²⁰³ Minor civil penalties have not effectively discouraged bogus filings; the victims still suffer adverse financial and reputational consequences.²⁰⁴

In 2004, the nation's Secretaries of State recognized that public officials deserved protection from fraudulent claims intended to harass or intimidate.²⁰⁵ The National Association of Secretaries of State (NASS) collaborated with the International Association

²⁰¹ European University Institute, *Access to Justice as a Human Right*, ed. Francesco Francioni, (New York: Oxford University Press: Academy of European Law, 2007), 1.

²⁰² Cindy J. Chernuchin, William E. Hiller, and Michael Zinder, "Legislation Effective in New York to Combat Paper Terrorism," *The Practical Lawyer* (April 2014): 50, http://www.willkie.com/~media/Files/Publications/2014/04/Practical_Law_Legislation_Effective_in_New_York.pdf.

²⁰³ Chernuchin, Hiller, and Zinder, 50.

²⁰⁴ Chernuchin, Hiller, and Zinder, 50.

²⁰⁵ National Association of Secretaries of State, "State Strategies to Subvert Fraudulent Uniform Commercial Code (UCC) Filings: A Report for State Business Filing Agencies," updated April 2014, <http://nass.org/sites/default/files/surveys/2017-08/final-nass-report-bogus-filings-040914.pdf>.

of Commercial Administrators (IACA) in an effort to help states develop a uniform response to the problem. At the time of this review, 20 states used some combination of enhanced criminal and civil penalties as a cost-effective means of combatting paper terrorism.²⁰⁶ Under the UCC, Secretary of State Offices have the same limitations as courts do in their role as an office that accepts public filings.²⁰⁷ They lack the authority to verify documents for accuracy or validity, even if they are clearly fraudulent. Ministerial issues, such as incorrect filing fees or incomplete forms, are the only valid reason to reject a document.²⁰⁸

The NASS/IACA Task Force recognized and addressed the limitations of existing remedies during this review.²⁰⁹ This collective effort promoted well-defined judicial remedies for victims of bogus filings, combined with “strong civil and criminal penalties for those who file bogus UCC claims.”²¹⁰ The approaches examined by the Task Force include “pre-filing administrative discretion; post-filing administrative relief; post-filing expedited judicial relief; and enhanced criminal/civil penalties.”²¹¹

Pre-filing administrative remedies give broader discretion to Secretary of State Offices to reject materially fraudulent filings. The Task Force noted that 18 states used some variation of this remedy as of 2004. Preventing the filing of phony documents in the first place is of obvious benefit to the intended victim, saving them the time and money involved in removing the bogus filing from the public record, and the negative impact to their credit history.²¹² The majority of filings received are in fact legitimate documents, however, which does not justify the expenditure of scarce public resources for a costly administrative process with such limited benefits.²¹³ The process requires active review of

²⁰⁶ Chernuchin, Hiller, and Zinder, “Legislation Effective in New York,” 50.

²⁰⁷ National Association of Secretaries of State, “State Strategies,” 6.

²⁰⁸ National Association of Secretaries of State, 6.

²⁰⁹ National Association of Secretaries of State, 6.

²¹⁰ National Association of Secretaries of State, 11.

²¹¹ Chernuchin, Hiller, and Zinder, “Legislation Effective in New York,” 51.

²¹² National Association of Secretaries of State, “State Strategies,” 8.

²¹³ National Association of Secretaries of State, 8.

all filed documents, which would be a tremendous burden on smaller offices; in all likelihood, this process will uncover only the most blatant examples of fraud. This solution effectively transfers the costs to the taxpayers.²¹⁴ Legislators in Connecticut rejected a proposed bill to enact this particular remedy due to concerns that clerks would reject valid liens.²¹⁵ If severe problems warrant this expensive response, states should examine the statute enacted by South Carolina, which specifically lists the conditions that are likely to be contained within a fraudulent filing, simplifying the review process for State offices.²¹⁶ Many states, like Kansas, have transitioned to electronic filing, which makes it easier to file and record a lien; unfortunately this also increases the likelihood of fraudulent filings.²¹⁷ Electronic filing is still beneficial; it can further simplify the review process by specifying key words contained within a suspected fraudulent lien, thus flagging it for additional examination. The biggest challenge to this approach is it is resource-intensive, requiring extensive training of staff to understand and recognize fraud.²¹⁸ As of 2015, pre-filing administrative remedies were expanded to an additional 11 states, which is surprising given the high cost of implementing this particular strategy.

Post-filing administrative remedies provides the Secretary of State and other filing offices with the necessary authority to remove a fraudulent lien.²¹⁹ Significant administrative proceedings are necessary, and some form of due process is required for the affected parties. This approach is beneficial to the victims, as they are spared the costs and effort required by seeking relief from the courts. The process is generally faster and less complicated. The primary disadvantage to this approach is that the victim may not find out

²¹⁴ Patrick H. Hill, “The Twain Shall Meet: A Real Property Approach to Article 9 Perfection,” *Emory Law Journal* 64 (2015): 1123, <http://heinonline.org/HOL/Page?handle=hein.journals/emlj64&collection=journals&id=1130&startid=1130&endid=1163>.

²¹⁵ Mastrony, “Common Sense Responses,” 1032.

²¹⁶ Mastrony, 1029, 1032.

²¹⁷ Blair T. Gisi, “Expediting Determination of Validity of Liens in Kansas,” *Legal League Quarterly*, (Q4-2015), https://www.southlaw.com/wp-content/uploads/2015/11/LL-Quarterly_2015_Q4_BlairG.pdf.

²¹⁸ National Association of Secretaries of State, “State Strategies,” 8–9.

²¹⁹ National Association of Secretaries of State, 9.

about the filing until after they have suffered negative financial consequences.²²⁰ The 2004 review found 14 states offering this remedy. By 2015, this remedy was expanded to include all 50 states and the District of Columbia. The corresponding civil penalty provisions permit victims to seek damages, court costs, and attorney's fees. Civil judgments have not deterred individuals that are willing to file bogus liens; the litigation typically results in greater expenses of time and money for the victim, with little hope of ever collecting the award.²²¹

Post-filing expedited judicial relief accelerates the corrective action through the court system with generally no filing fee required. Depending upon the state, the process may be as simple as filing a motion for expedited judicial review, followed by a court order to remove the record if the filing is fraudulent. This approach is beneficial because it reduces the process from years down to weeks or months; the greatest drawback is there is still a burden placed on victims to pay for an attorney. Although this approach is very beneficial to Secretary of State Offices, the workload shifts to the courts. Judicial officers may present opposition to any legislation that proposes this remedy unless it includes additional resources.²²² As of 2004, only nine states offered this solution; none were added to this list as of the subsequent 2015 review. In addition to the extra workload this places on the courts, this approach is also time-consuming for victims.²²³ Not all states defer the filing fee. Some states only award the costs of action, including filing fees, to the prevailing party. Although this is an adequate remedy and invaluable tool in most types of civil cases, many victims do not want to go through the aggravation of trying to collect the judgment from a sovereign citizen.²²⁴

Post-filing criminal and civil penalties serve as both deterrent and punishment, and present a comprehensive approach to bogus filings. Analysis of the NASS/IACA Task

²²⁰ National Association of Secretaries of State, 9.

²²¹ Pitcavage, "Paper Terrorism's Forgotten Victims."

²²² National Association of Secretaries of State, "State Strategies," 9–10.

²²³ National Association of Secretaries of State, 9.

²²⁴ Mastrony, "Common Sense Responses," 1030.

Force report’s appendix showed that some states treat the first offense as a misdemeanor, and charge subsequent offenses as a felony; others, such as Minnesota and Texas, make any fraudulent filing intended to harass a felony.²²⁵ Civil penalties can include damages, court costs, attorney fees, and other related expenses; however, restitution paid to the victim may still be inadequate compensation for the losses suffered. Regardless of the solutions adopted, the policymaking authority needs to recognize that budget increases will be required to cover the additional costs of staffing and training.²²⁶ As of 2004, six states used solely criminal remedies, five states relied only on civil remedies, and nine states used both. Table 1 provides a summary of the various state laws in place in 2004, as documented by NASS/IACA Task Force.

Table 1. State Remedies as of 2004²²⁷

Pre-filing Administrative Remedies	Post-Filing Administrative Remedies	Post-Filing Expedited Judicial Relief	Criminal Penalties	Civil Penalties
Alabama	Alabama	Colorado	Alabama	Arkansas
California	Illinois	California	Arkansas	California
Colorado	Michigan	Indiana	Florida	Florida
Idaho	Mississippi	Kansas	Georgia	Illinois
Illinois	Montana	Maine	Illinois	Kansas
Indiana	Nebraska	Minnesota	Maine	Maine
Michigan	New York	New York	Michigan	Michigan
Mississippi	North Carolina	Oregon	Minnesota	Minnesota
Montana	Oregon	Texas	New York	Montana
Nebraska	Pennsylvania		North Dakota	New Hampshire
North Dakota	Tennessee		South Carolina	North Dakota
North Carolina	Virginia		Texas	South Carolina
Ohio	Washington		Tennessee	Texas
Oregon	West Virginia		Utah	West Virginia
South Carolina			Virginia	
Texas			West Virginia	

²²⁵ National Association of Secretaries of State, “State Strategies,” Appendix IV, 25–29.

²²⁶ National Association of Secretaries of State, “State Strategies,” 10–11.

²²⁷ Adapted from: National Association of Secretaries of State, “State Strategies to Subvert Fraudulent UCC Filings, Appendix I–IV.”

Pre-filing Administrative Remedies	Post-Filing Administrative Remedies	Post-Filing Expedited Judicial Relief	Criminal Penalties	Civil Penalties
Virginia				
Washington				
West Virginia				

The NASS/IACA Task Force Report served as a call to action, and legislative progress has occurred in the decade since this initial evaluation. In 2015, the *Corporation Service Company*, a commercial provider of services related to UCC information, performed a subsequent examination of state fraudulent filing statutes.²²⁸ This report showed substantial expansion of all available remedies, with the exception of expedited judicial review. States offering pre-filing remedies increased from 18 to 29, with Hawaii, Kentucky, Maine, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, Pennsylvania, and Utah joining those already listed.²²⁹

Seventeen states and the District of Columbia added criminal penalties, increasing the total to 34.²³⁰ The jail sentences imposed vary widely between jurisdictions. Nine states and the District of Columbia charge all offenses as a misdemeanor. Four states charge the first offense as a misdemeanor and enhance subsequent offenses to felonies. Twenty states charge all offenses as felonies, with one state, Florida, adding a degree enhancement for subsequent offenses. Two states, Alabama and Florida, add enhancements if the victim is a public servant. Alabama classifies the offense as a Class A misdemeanor for the public, but enhances the charge to a Class C felony if the victim is a public servant and the filing intends to “defraud, intimidate or harass the public servant in the performance of his or her

²²⁸ “UCC Web Services,” Corporation Service Company, 2018, <https://www.cscglobal.com/service/cls/ucc-web-services>.

²²⁹ Paul Hodnefield, “State UCC Fraudulent Filing Statutes & Rules,” Corporation Service Company, August 3, 2015, https://www.cscglobal.com/blog/wp-content/uploads/2013/06/Fraudulent_Filing_Remedies_08102015.pdf.

²³⁰ Hodnefield.

duties.”²³¹ The ADL firmly supports tougher penalties, particularly for repeat offenders.²³² While financial sanctions may serve as a deterrent to the casual adherent of sovereign citizen ideology, they are unlikely to have an effect on true believers.²³³

The most significant change noted was the adoption of post-filing administrative remedies with civil penalties by all 50 states and the District of Columbia.²³⁴ Most states enacted the uniform UCC Article 9 remedies.²³⁵ This federal law allows the victim to recover damages for loss and an additional \$500.²³⁶ Twenty-eight states and the District of Columbia adopted the federal Article 9 remedy; the remaining states added penalties to the actual damages in amounts ranging from \$1,000 to \$10,000. Table 2 summarizes the available post-filing relief offered by state, and demonstrates the significant progress made in the decade since the NASS/IACA Task Force first examined existing laws.

²³¹ Alabama Code Title 13A. Criminal Code § 13A-9-12 (2017). <http://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-9-12.html>.

²³² Mastrony, “Common Sense Responses,” 1031–1032.

²³³ Weir, “Sovereign Citizens,” 868.

²³⁴ Hodnefield, “State UCC Fraudulent Filing.”

²³⁵ “The Uniform Commercial Code has 11 substantive articles. Article 9, Secured Transactions, is considered the most important of the 11. Article 9 provides the rules governing any transaction that couples a debt with a creditor’s interest in a debtor’s personal property.” Uniform Law Commission, “UCC Article 9, Secured Transactions (1998) Summary,” [http://www.uniformlaws.org/ActSummary.aspx?title=UCC%20Article%209,%20Secured%20Transactions%20\(1998\)](http://www.uniformlaws.org/ActSummary.aspx?title=UCC%20Article%209,%20Secured%20Transactions%20(1998)).

²³⁶ Cornell University, “Uniform Commercial Code UCC-Article 9 - Secured Transactions,” 2010, <https://www.law.cornell.edu/ucc/9/9-625>.

Table 2. Post-filing Remedies with Civil Penalties²³⁷

Post-Filing Administrative Remedies	Civil Penalties or Relief
Alaska	Actual and punitive damages, costs and attorney fees
Arizona	Greater of \$500 or treble damages, plus costs and attorney fees
Arkansas, Minnesota, Nevada, North Dakota, West Virginia	Greater of \$10,000 or actual damages plus costs, attorney fees and punitive damages
California	Civil penalty not to exceed \$5,000
Colorado	Costs plus attorney fees
Alabama, Connecticut, Delaware, DC, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wyoming	UCC Article 9 remedy: Actual damages plus \$500
Florida	Actual and punitive damages, costs and attorney fees; and civil penalty of \$2,500
Hawaii, Idaho, New Hampshire, New Mexico, Texas, Missouri	Greater of \$5,000 or actual damages plus costs and attorney fees
Illinois, Maine	Greater of \$10,000 or actual damages
Indiana	\$500, or actual costs plus attorney fees after judicial review
Montana	Treble damages, costs and attorney fees
Nebraska	Actual damages plus costs and attorney fees
Wisconsin	Actual damages plus \$1,000 punitive damages

C. VEXATIOUS LITIGANT RULES / LAWS

Although significant legislation has passed to combat fraudulent liens, frivolous court filings have received less attention. Some mental health experts characterize the

²³⁷ Adapted from: Hodnefield, “State UCC Fraudulent Filing.”

obsessive filing of unnecessary lawsuits as a medical condition known as “litigious paranoia.”²³⁸ Although it is not the role of the judiciary to diagnose or treat mental disorders, there are available processes to curb abuses of the legal system. Increasing the associated costs and risks of an action can be an effective way to deter individuals.²³⁹ One such remedy is the vexatious litigant rule.

Within the legal community, the term “vexatious litigant” describes individuals who abuse the judicial process by filing a meritless legal action for the sole purpose of harassing an adversary.²⁴⁰ This practice may result in disbarment for attorneys; therefore, the litigants are typically self-represented. Merely filing numerous frivolous lawsuits does not automatically suggest that a litigant is a sovereign citizen; however, it does indicate that the filer is a problem for the smooth and efficient operations of the court system.

The problem and its potential solutions exist beyond the United States. Internationally, England enacted vexatious litigation statutes as early as 1896; Australia followed in 1927. California became the first U.S. state to enact a legal remedy, passing legislation in 1963. As of 2007, similar legislation passed in Florida, Hawaii, Ohio, and Texas. Although the approaches are not uniform across the various states that have enacted them, they generally define what constitutes vexatious litigation; and impose some form of sanction for this conduct.

A vexatious litigant designation requires an individual to file and lose lawsuits repeatedly within a specified period, and the pleadings filed in support of those suits must be frivolous and harassing in nature. A New Zealand court produced a list of “hallmarks of vexatiousness” that assist in its recognition: “a pattern of complex, verbose and sometimes

²³⁸ Alvin Stauber, “Litigious Paranoia: Confronting and Controlling Abusive Litigation in the United States, the United Kingdom, and Australia,” *International Review of Business Research Papers* 5, no. 1 (January 2009): 11, http://bizresearchpapers.com/attachments_2009_01_14/2.Alvin.pdf.

²³⁹ Crenshaw, “Theories of Terrorism,” 17.

²⁴⁰ Wikipedia, s.v. “vexatious litigation,” last modified September 18, 2016, https://en.wikipedia.org/wiki/Vexatious_litigation.

incomprehensible pleadings; compulsively widening the circle of defendants targeted; extravagant claims and unfounded attacks; and proceedings initiated but left inactive.”²⁴¹

After a finding of vexatiousness, the clerk of the respective state Supreme Court adds an individual’s name to a registry. The sanctions require the litigant to request permission from the court before filing any additional lawsuits, and may require the posting of a bond during the pendency of the case.²⁴² Some critics argue that vexatious litigant statutes are a “legal response to what is in reality a medical problem.”²⁴³ Providing professional help might be a more humane approach to those who may have an underlying mental illness.²⁴⁴

Although popular in the United Kingdom, vexatious litigant laws are not common within the United States. At the federal level, frivolous prisoner lawsuits overwhelm the court system. The Prison Litigation Reform Act of 1996 aimed to reduce the unnecessary litigation.²⁴⁵ Prior to the passage of this law, frivolous inmate litigation was costing taxpayers roughly \$81.3 million a year.²⁴⁶ Only five states have passed legislation authorizing vexatious litigant laws; nine states and the District of Columbia have adopted the practice through a procedural rule.²⁴⁷ The statutes have not been particularly effective, largely due to a general reluctance to apply the rule; courts only apply vexatious litigant laws in the most extreme circumstances.²⁴⁸ Judges and legislative bodies want litigants to

²⁴¹ Michael Taggart and Jenny Klosser, “Controlling Persistently Vexatious Litigants,” in *Law and Government in Australia*, ed. Matthew Groves (Sydney: Federation Press, 2005), 272.

²⁴² Stauber, “Litigious Paranoia,” 12.

²⁴³ Stauber, 25.

²⁴⁴ Taggart and Klosser, “Controlling Persistently Vexatious Litigants,” 300.

²⁴⁵ Erin Schiller and Jeffrey A. Wertkin, “Frivolous Filings and Vexatious Litigation,” *Georgetown Journal of Legal Ethics* 14 (2001): 917–918, http://heinonline.org/HOL/Page?handle=hein.journals/geojlege14&div=39&g_sent=1&casa_token=&collection=journals.

²⁴⁶ Schiller and Wertkin, 918,

²⁴⁷ Byron C. Keeling, “Toward a Balanced Approach to Frivolous Litigation: A Critical Review of Federal Rule 11 and State Sanctions Provisions,” *Pepperdine Law Review* 21, no. 4 (1994): 1094, <https://digitalcommons.pepperdine.edu/plr/vol21/iss4/1/>.

²⁴⁸ Schiller and Wertkin, “Frivolous Filings,” 928–929.

have their day in court.²⁴⁹ This solution can ultimately restrict the frivolous filing tactics used by sovereign citizens; however, it has several disadvantages. It can take multiple filings, and therefore multiple interactions with these individuals, before any action is taken, increasing the potential for a violent encounter. The advantage to this approach is that it can at least prevent multiple abusive filings—a trademark sovereign citizen behavior.²⁵⁰ An unintended consequence of these rules is that not only do they sometimes fail to curb abuse of the legal system; they actually encourage additional litigation by plaintiffs contesting their designation as vexatious.²⁵¹

Also known as gatekeeper orders, or pre-filing injunctions, this practice has been upheld by appellate courts, although with stringent guidelines for when to invoke this authority.²⁵² The Fourth Circuit case *Cromer v. Kraft Foods North American, Incorporated*, set standards for courts to consider before issuing a pre-filing injunction. The court opined that pre-filing injunctions are “a drastic remedy to be used sparingly and only when exigent circumstances justify it; the injunction must be narrowly tailored to fit the circumstances; and the litigant must be given notice and an opportunity to be heard before the order is entered.”²⁵³

D. ANALYSIS

Sovereign citizens engage in retaliatory practices largely because they are effective.²⁵⁴ Although false liens do not establish a lawful financial interest in an intended victim’s property, the delays and expense that result produce the desired impact.²⁵⁵ There is a wide range of options available for combatting paper terrorism; each addresses only

²⁴⁹ Schiller and Wertkin, 929.

²⁵⁰ Charles E. Loeser, “From Paper Terrorists to Cop Killers: The Sovereign Citizen Threat,” *North Carolina Law Review* 93, no. 4 (May 2015): 1132, <http://scholarship.law.unc.edu/nclr/vol93/iss4/4>.

²⁵¹ Stauber, “Litigious Paranoia,” 24.

²⁵² Michael Crowell, “Gatekeeper Orders (Pre-Filing Injunctions),” University of North Carolina School of Government, November 2012, https://www.sog.unc.edu/sites/www.sog.unc.edu/files/additional_files/Gatekeeper%20orders%20Nov%2012_0_0.pdf, 4.

²⁵³ Crowell, 4.

²⁵⁴ Mastrony, “Common-Sense Responses,” 1025.

²⁵⁵ Mastrony, “Common-Sense Responses,” 1027.

part of the problem. Depending upon the severity of the problem, individual states may choose to adopt a combination of the available approaches.²⁵⁶ Many of the recommendations require legislative action; others need only administrative policies. A number of the remedies come with a significant need to increase staff and budgets. Policy makers will have to strike a balance between the costs imposed on individual victims of sovereign tactics versus the expense to the public of any enacted solutions.

Legal dictionaries define punishment as “the imposition of hardship in response to misconduct.”²⁵⁷ Under the theories of punishment, there are three desired objectives: deterrence, retribution, and incapacitation. Although civil sanctions are punitive and may accomplish all of these objectives, they do not carry the same stigma that is associated with criminal penalties.²⁵⁸ Philosophical theories of criminal law question what types of conduct deserve criminalization. In the *Stanford Encyclopedia of Philosophy*, Anthony Duff argues that criminalization is either an “efficient technique that helps us achieve worthwhile ends,” or “an intrinsically appropriate response to certain kinds of wrongful conduct.”²⁵⁹ Some conduct may constitute both a criminal and civil wrong.²⁶⁰

Civil wrongs are private matters; it is up to the victim to pursue justice. The law merely provides the institutional framework and available remedies for the process.²⁶¹ In contrast, criminal wrongs are public matters, and the law provides for the public investigation, prosecution and punishment of crimes.²⁶² Another significant difference between criminal and civil penalties is the nature and severity of the punishment. There is a correlation between criminal punishment and the degree of harm suffered; civil damages

²⁵⁶ Mastrony, 1028.

²⁵⁷ *West's Encyclopedia of American Law*, s.v. “theories of punishment,” accessed December 18, 2017, <https://legal-dictionary.thefreedictionary.com/Theories+of+Punishment>.

²⁵⁸ *West's Encyclopedia of American Law*.

²⁵⁹ Anthony Duff, “Theories of Criminal Law,” *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, (Summer 2013), <https://plato.stanford.edu/archives/sum2013/entries/criminal-law/>.

²⁶⁰ Duff.

²⁶¹ Duff.

²⁶² Duff.

are generally proportional to the harm.²⁶³ Duff proposes that criminal laws intend “pain delivery,” which is specifically retributive, whereas civil laws are aimed at restorative justice.²⁶⁴ Criminal laws also serve as a deterrent in two ways. First, the existence of such laws may prevent others from committing the same actions. Second, incarceration intends to make it physically impossible to re-offend and to discourage repeat offenses.²⁶⁵

Criminalizing sovereign citizen tactics is an action not taken lightly. Legislators much consider the extent of harm when considering criminalization of behaviors such as fraudulent liens and harassing lawsuits, and should exercise discretion to accomplish their goals.²⁶⁶ Such criminal punishments as imprisonment must be proportionate to the harm caused. There are arguments that the cost of criminalization outweighs its benefits.²⁶⁷ Sovereign citizen tactics are by no means “victimless” crimes, a frequently cited argument against criminalization in general.

There is little quantitative data to support cost-benefit analysis of criminalization. Although there are tangible public costs to enforcing a specific law, it is difficult to segregate the precise marginal costs associated with its enactment (actual costs of incarceration are another matter).²⁶⁸ Alternatively, failure to criminalize an action has its own cost to society, as alternative responses bear their own expenses.²⁶⁹ Arguments against criminalization note that, for the sovereign citizen facing criminal penalties for their behavior, the costs include concrete expenses such as attorneys' fees, and other indirect costs that are more difficult to monetize, such as incarceration and social ostracism.²⁷⁰ A

²⁶³ Duff, “Theories of Criminal Law.”

²⁶⁴ Duff.

²⁶⁵ *Law Library-American Law and Legal Information*, s.v. “Punishment – Theories of Punishment,” accessed December 18, 2017, <http://law.jrank.org/pages/9576/Punishment-THEORIES-PUNISHMENT.html>.

²⁶⁶ *Law Library-American Law and Legal Information*, s.v. “Criminalization and Decriminalization - A Review and Typology of Criminalization Arguments,” accessed December 18, 2017, <http://law.jrank.org/pages/838/Criminalization-Decriminalization-review-typology-criminalization-arguments.html>.

²⁶⁷ *Law Library-American Law and Legal Information*, “Criminalization and Decriminalization.”

²⁶⁸ *Law Library-American Law and Legal Information*.

²⁶⁹ *Law Library-American Law and Legal Information*.

²⁷⁰ *Law Library-American Law and Legal Information*, “Criminalization and Decriminalization.”

person's economic earning power will suffer negatively during the pendency of the case and incarceration; having a criminal record could permanently affect future employment and earning potential.²⁷¹ While criminalization and incarceration meet the retribution objective, it is less clear if it achieves the goals of deterrence and incapacitation. Frequently, inmates learn sovereign citizen tactics in prison. Prisoners are promised their freedom and hundreds of thousands of dollars in *The Prison Packet*, a book that teaches sovereign citizen theories sold to inmates for \$22.²⁷² Incarceration may be counterproductive; not only does it fail to deter the behavior, it sometimes escalates it.²⁷³

There is some evidence that supports the theory that incarceration in general tends to produce more, not less, socially undesirable behavior.²⁷⁴ As many sovereign citizens are already paranoid and alienated from society, criminalization may contribute to their belief that the legal system is illegitimate and unfair. Others argue that any type of conduct that promotes social disorder deserves criminalization. Geis and Edelhertz promote the concept that there is "a double standard in law enforcement between" perceived "upper and lower class forms of" economic crimes.²⁷⁵ So-called white-collar criminals who commit economic offenses are much more likely to receive civil sanctions rather than criminal penalties.²⁷⁶ Although there is clearly a distinction between attempting to take money through fraud rather than "at the point of a gun," conceptually, it is difficult to separate the criminal intent of either action.²⁷⁷

The benefit of criminalization is that it serves as a symbolic form of social denunciation, regardless of whether or not the law is actively enforced or prosecuted. Conviction and sentencing carry the potential of reducing further incidences of the

²⁷¹ *Law Library-American Law and Legal Information*.

²⁷² Sanchez, "Sovereign Citizens Movement Resurging."

²⁷³ Loeser, "From Paper Terrorists to Cop Killers," 1138.

²⁷⁴ *Law Library-American Law and Legal Information*, "Criminalization and Decriminalization."

²⁷⁵ Gilbert Geis and Herbert Edelhertz, "Criminal Law and Consumer Fraud: A Sociolegal View," *American Criminal Law Review* 11 (1973): 1006, accessed January 2, 2018, http://heinonline.org/HOL/Page?handle=hein.journals/amcrimlr11&div=42&g_sent=1&casa_token=&collection=journals.

²⁷⁶ Geis and Edelhertz, 1006.

²⁷⁷ Geis and Edelhertz, 1006.

behavior “through general deterrence of other potential offenders, the ‘educative’ effect of punishment, special deterrence or rehabilitation of the punished offender, or incapacitation of the offender.”²⁷⁸ Ultimately, criminal laws serve as a deterrent and provide retributive justice for those who willfully violate them.²⁷⁹ Sovereign citizens may target individuals with their tactics, which clearly fits within the definition of a civil wrong, but ultimately their tactics attack our institutions and therefore affect more than the individual victim, which justifies treating their offenses with criminal penalties. There is some evidence that criminalizing fraudulent liens is effective. False lien activity effectively ceased after legislation in Missouri in 1996; similar laws passed in Texas in 1997 had the same effect.²⁸⁰ Prosecutors will ultimately have to decide if a criminal sanction is preferable to any available civil or administrative remedy.²⁸¹ Using criminal penalties to punish offenders and deter others may provide little relief or justice for those already victimized.²⁸²

²⁷⁸ *Law Library-American Law and Legal Information*, “Criminalization and Decriminalization.”

²⁷⁹ Duff, “Theories of Criminal Law.”

²⁸⁰ Denise Griffin and L. Cheryl Runyon, *The Radical Common Law Movement and Paper Terrorism: The State Response*, (Denver: National Conference of State Legislatures, 2000), 27.

²⁸¹ Geis and Edelhertz, “Criminal Law,” 1008.

²⁸² Geis and Edelhertz, 1008.

IV. THE SURVEY: COURT STAFF OBSERVATIONS

The lack of empirical studies on the effectiveness of legislative efforts aimed at curbing paper terrorism is a limiting constraint on this research. Additionally, many state courts do not make a record of attempted frivolous filings or maintain data on these “cases,” making it impossible to measure. Thus, a survey of court professionals endeavored to gain insight into the depth of the problem and the effectiveness of the respective solutions adopted within each state selected. This chapter discusses the methodology for sample selection, the intended purpose of the survey, and the sources used for data collection. California, Florida, Georgia, Nevada, and New Jersey were selected as the target states. All five states have a history of significant or high profile sovereign citizen problems; additionally, each state has adopted some, but not all, of the available remedies. Querying court professionals within these states was intended to determine the effectiveness (or ineffectiveness) of the adopted legislation, based on observed increases or decreases in sovereign citizen activity post-adoption.

A. SAMPLE SELECTION

For the purpose of this research, the sample selection is limited to state and local courts. The federal judiciary is not a representative sample, as protections were afforded to federal courts when President Bush signed the Court Security Improvement Act of 2007 (CSIA) into law on January 7, 2008. In addition to broadly addressing security requirements for the judicial branch of the Federal Government, this law specifically created strong criminal penalties for filing false liens,

§ 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title “Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation,

shall be fined under this title or imprisoned for not more than 10 years, or both²⁸³

Congress recognized that existing laws were inadequate for the protection of federal judges due to the lack of criminal penalties; this law rectified that deficiency. States have been slow to enact similar protections for state and local judges; therefore, this research is limited to state initiatives. Selection criteria for study inclusion required a high level of documented sovereign citizen activity within an individual state, coupled with varying levels of remedies. The analysis then targeted five states for further study. Court professionals within the selected states received a survey to gain insight into the depth of the problem and effectiveness of solutions. California's selection owes to the state's position among the top three for having active anti-government groups. The state is an early adopter of vexatious litigant rules, and recently expanded existing laws against frivolous liens, adding a criminal penalty. California is also the only state among the five that offers post-filing expedited judicial relief. Florida is included because it is a "hotbed" for sovereign citizens, especially the St. Petersburg-Tampa-Orlando corridor, according to Mark Pitcavage of the ADL.²⁸⁴ Additionally, the state has proactively adopted layers of solutions due to the severity of the problem. Georgia has been a breeding ground for sovereigns with Moorish National ties, has had several high-profile violent incidents, and has been the frequent target of "squatters" moving into vacant homes.²⁸⁵ Georgia has passed some legislation, but has not been as progressive as Florida. Nevada has had some extremely high-profile incidents, and has adopted a range of remedies, offering a good basis for comparison. Finally, New Jersey's inclusion is due to a combination of preemptive legislation and very active right-wing organizations. The next sections provide details for each state.

²⁸³Court Security Improvement Act of 2007, Pub. L. No. 110-177, 121 Stat. 2534 (2008). <https://www.gpo.gov/fdsys/pkg/PLAW-110publ177/pdf/>.

²⁸⁴ Henry Pierson Curtis, "Florida Became 'Hotbed' for Sovereign Citizens, Whom FBI Calls Domestic Terrorists," *Orlando Sentinel*, February 15, 2015, <http://www.orlandosentinel.com/news/breaking-news/os-sovereign-citizen-violence-orlando-20150215-story.html>.

²⁸⁵ Sue Sturgis, "'Sovereign Citizens' Leave a Trail of Anti-government Violence across the South," *Facing South*, July 21, 2016, <https://www.facingsouth.org/2016/07/sovereign-citizens-leave-trail-anti-government-violence-across-south>.

1. California

California has not been immune from violent encounters with sovereign citizens. In a notorious case from June 2014, Brent Douglas Cole was arrested after engaging in a shootout with a Bureau of Land Management Ranger and a California Highway Patrol officer near the South Yuba City River.²⁸⁶ All three were wounded, although none suffered life-threatening injuries. Cole surrendered after being shot several times.²⁸⁷ Due to Cole's prior Internet postings espousing sovereign citizen ideology and conspiracy theories, the case attracted national media attention.²⁸⁸ In various social media posts, Cole had raged about "the Constitution, criminal 'banksters' and 'California's kangaroo court.'"²⁸⁹ During a prior misdemeanor trial for an arrest that occurred before the shooting, Cole espoused classic sovereign citizen dogma in court; he referred to himself as a "statutory attorney general," a "natural born, flesh and blood, living man" and a "federal agent in good standing and exempt from this state law."²⁹⁰ Cole demanded a \$60,000 payment from the arresting deputy for violating his rights, and \$30,000 from each legislator "who voted for enactment of the unconstitutional statutes" cited in his arrest.²⁹¹

In an interview at the county jail, Cole said, "Take the right to bear arms away, and this country will fall like a ripe tomato. You will see genocide. Look at Stalin, look at Hitler ... look at the Indians. It's already happened in this country."²⁹² During the subsequent federal trial, Cole avoided making any political statements and claimed self-defense

²⁸⁶ Liz Kellar, "'Sovereign Citizen' Brent Cole Sentenced in Shootout," *Union*, August 31, 2015, <https://www.theunion.com/news/crime/sovereign-citizen-brent-cole-sentenced-in-shootout/>.

²⁸⁷ Denny Walsh, "Man Sentenced to Prison for Shooting Ranger, CHP Officer," *Sacramento Bee*, August 28, 2015, <http://www.sacbee.com/news/local/crime/article32654292.html>.

²⁸⁸ Kellar, "'Sovereign Citizen' Brent Cole Sentenced."

²⁸⁹ Kim Minugh, "Nevada County Shooting Suspect Part of 'Sovereign Citizens' Movement," *Sacramento Bee*, June 21, 2014, <http://www.sacbee.com/news/local/crime/article2601938.html>
<http://www.sacbee.com/news/local/crime/article2601938.html>.

²⁹⁰ Minugh.

²⁹¹ Minugh.

²⁹² Kellar, "'Sovereign Citizen' Brent Cole Sentenced."

because the BLM officer drew his weapon first.²⁹³ The jury convicted him and a federal judge sentenced him to 29 years and 7 months in federal prison.²⁹⁴

In a case with deadlier consequences, 36-year old Christopher Boone Lacy shot and killed a California Highway Patrol officer during a routine traffic stop in 2012.²⁹⁵ During the period leading up to the fatal event, Lacy had become withdrawn and distant from those close to him. Lacy had a known history of erratic behavior, including a breakdown while he was in college and bizarre behavior during a 2006 driving under the influence arrest.²⁹⁶ Lacy had just started a new job in Silicon Valley as a senior software engineer, and was on his way to meet a client right before the shooting.²⁹⁷ Camera footage showed that CHP officer Kenyon Youngstrom interacted with Lacy for 10 seconds before being shot; a second officer then shot and killed Lacy.²⁹⁸ Lacy's computer was searched in an attempt to determine a motive for his deadly actions; investigators found numerous documents related to the sovereign citizen movement.²⁹⁹

Home to 55 antigovernment groups as of 2015, California was an early proponent of using legislative solutions to deal with paper terrorism. Among the first to pass laws against vexatious litigation, California's Judicial Council maintains and updates the list on a monthly basis. The Council is required to disseminate the listing of vexatious litigants to the clerks of court of the state annually.³⁰⁰ The Vexatious Litigant Statute (VLS) was created in 1963, and amended in 1975 and 1990. The 1990 amendment expanded the

²⁹³ Kellar, "'Sovereign Citizen' Brent Cole Sentenced."

²⁹⁴ Walsh, "Man Sentenced to Prison."

²⁹⁵ Katie Nelson, "Report Fails to Find Tehama Gunman's Motives in Fatal Shooting of Bay Area CHP Officer," *Contra-Costa Times*, March 22, 2013, <http://www.chicoer.com/article/zz/20130322/NEWS/130329869>.

²⁹⁶ Nelson.

²⁹⁷ Matthias Gafni, "Christopher Lacy Started Software Job 7 Days before CHP Shooting," *Mercury News*, September 12, 2012, <https://www.mercurynews.com/2012/09/12/christopher-lacy-started-software-job-7-days-before-chp-shooting/>.

²⁹⁸ Gafni.

²⁹⁹ Nelson, "Report Fails to Find Tehama Gunman's Motives."

³⁰⁰ "Code of Civil Procedure, Part 2, Title 3A. Vexatious Litigants [391-391.8]," California Legislative Information, accessed October 1, 2017, <http://leginfo.ca.gov/faces/codesdisplaysection.xhtml?lawcode=ccp§ionnum=391.7>.

definition of what constitutes a vexatious litigant, and granted courts the power to issue pre-filing orders.³⁰¹ Finding reliable data on frivolous lawsuits is difficult, as the California Judicial Council is only responsible for maintaining the list, and has not conducted any studies or published reports on its effectiveness.³⁰² First published in 1991, the list is current through January 2018. There are currently 2,368 individuals on this list prohibited from future filings without prior judicial approval. Figure 3 shows the number of litigants added to the list each year. The annual entries range from a high of 171 in 2012, to a low of 33 in 1991 and 1996. There were four additions in January 2018. Although use of this judicial tool was infrequent upon its inception, usage has become progressively more widespread in California courts.³⁰³ The VLS has been the subject of numerous constitutional challenges.³⁰⁴ In spite of the frequent challenges and appeals, only five litigants successfully removed their names from this list.³⁰⁵ Anecdotal examination of the cases suggests that the VLS is only exercised in extreme cases.³⁰⁶

³⁰¹ Lee W. Rawles, “The California Vexatious Litigant Statute: A Viable Judicial Tool to Deny the Clever Obstructionists Access?,” *Southern California Law Review* 72, (1998): 276, <http://www-bcf.usc.edu/~usclrev/pdf/072105.pdf>.

³⁰² Blaine Corren, Public Affairs Analyst, Judicial Council of California, email message to author, February 15, 2018.

³⁰³ Rawles, “California Vexatious Litigant Statute,” 289.

³⁰⁴ Rawles, 286.

³⁰⁵ Rawles, 290.

³⁰⁶ Rawles, 292.

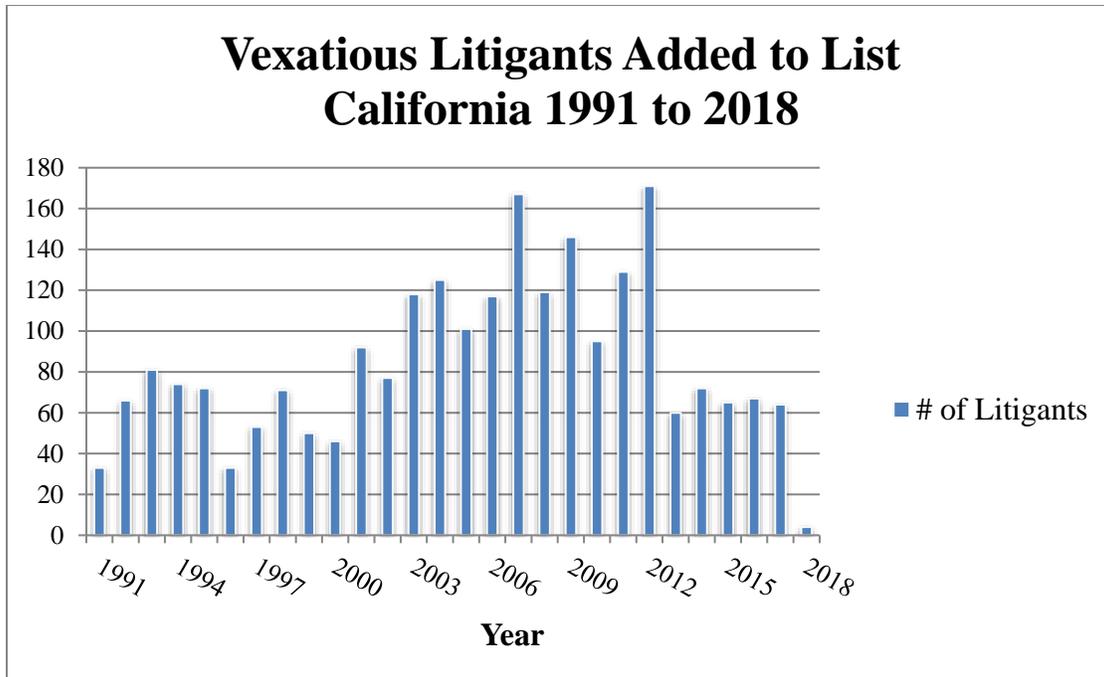


Figure 3. Annual Number Added to California Vexatious Litigant List³⁰⁷

In the 1990s, a fast-track removal process for bogus liens afforded protection to public officials and employees. Governor Jerry Brown extended this protection to private individuals and businesses with a bill signed into law in 2015. Assembly Bill No. 1267 additionally allows anyone targeted by false liens to seek civil remedies up to \$5,000. Similar laws exist in 25 other states. The ADL proposed and drafted this bill, which received support from the California District Attorneys Association and the California Police Chiefs Association, among others.³⁰⁸

In the legislative analysis, the bill’s co-sponsors expressed concerns based on three separate cases in California in the preceding year. Sovereign citizens filed harassing liens against public officials, primarily judges and Internal Revenue Service employees. Although the state successfully prosecuted the individuals involved, the cases highlighted the limitations of the existing law. The same legal remedies would not be available to a

³⁰⁷ Adapted from: California Courts, *Vexatious Litigant List from Prefiling Orders Received from California Courts*, updated February 1, 2018, <http://www.courts.ca.gov/documents/vexlit.pdf>.

³⁰⁸ “California Strengthens Laws against ‘Paper Terrorism,’” Anti-Defamation League, August 18, 2015, <https://www.adl.org/blog/california-strengthens-laws-against-paper-terrorism>.

private citizen victimized by the same harassment; this bill extended the same protections currently afforded only to public officials and employees.³⁰⁹

California adopted pre-filing administrative remedies, allowing filing offices to reject unlawful, fraudulent or false filings. Post-filing remedies add a \$5,000 civil penalty for fraudulent liens filed against public officers. In addition to offering post-filing expedited judicial relief, fraudulent filings are prosecutable as a felony.³¹⁰

2. Florida

With 33 known anti-government groups, Florida authorities have had numerous encounters with sovereign citizens. In what can only be described as a rarity for sovereign citizen behavior, Ronnie Lee Davis, head of a cult-like group, was charged in 2017 with practicing law without a license.³¹¹ Citing typical sovereign language such as references to the Constitution and UCC, Davis advertised a company known as “Bear’s Law and Forensics,” which claimed to help parents who have lost custody of their children due to neglect or abuse.³¹² Davis was also active in Idaho, where he vowed to have his so-called marshals seek the arrests of a judge and others involved in the case of a woman arrested for intimidating Child Protective Services staff after losing custody of her children. The case against Davis is only the second known prosecution of a sovereign citizen for practicing law without a license in Florida.³¹³ Davis also faced charges of kidnapping a Texas woman who visited his heavily armed compound in Florida in July 2016 to write a story about his group.³¹⁴ Davis told the woman that she had to sleep on the floor and

³⁰⁹ Thomas Clark, “AB-1267 Lawsuits, Liens, and Other Encumbrances, Assembly Floor Analysis,” California Legislative Information, April 27, 2015, http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160AB1267.

³¹⁰ Hodnefield, “State UCC Fraudulent Filing.”

³¹¹ Bill Morlin, “Sovereign Citizen Faces Unlawful Practice of Law Charge in Florida,” Southern Poverty Law Center, June 16, 2017, <https://www.splcenter.org/hatewatch/2017/06/16/sovereign-citizen-faces-unlawful-practice-law-charge-florida>.

³¹² Morlin.

³¹³ Morlin.

³¹⁴ Suzie Schottelkotte, “Polk Sovereign Citizen Group Leader Who Faced Armed Kidnapping Charges Takes Plea,” *Ledger*, May 9, 2017, <http://www.theledger.com/news/20170509/polk-sovereign-citizen-group-leader-who-faced-armed-kidnapping-charges-takes-plea>.

become one of his wives.³¹⁵ When she attempted to leave, Davis said she would leave “the compound in a body bag or on crutches”; armed guards prevented anyone from entering or leaving.³¹⁶ The woman used a ruse to escape in late October.³¹⁷ Although Davis was facing life imprisonment for kidnapping, a plea deal reduced the charges to battery and possession of a firearm, with a sentence of a year and a day in prison.

In a case with deadly consequences for law enforcement, Markeith Loyd shot and killed Orlando police officer Debra Clayton when she tried to take him into custody for the shooting death of his pregnant girlfriend in January 2017.³¹⁸ A second officer was killed by an SUV while responding to the incident, and a third deputy was shot by Loyd during his getaway. In an Orlando court appearance after his apprehension, Loyd engaged in an impassionate argument with the judge, and refused to enter a plea. After telling the judge, “Y’all can’t do nothing to me,” Loyd added, using classic sovereign language,

For the record, I want to state that I am Markeith Loyd. Flesh and blood. I’m a human being. MARKEITH LOYD, in all capital letters, that’s not me. That’s a corporation that was created at my birth that I do not accept. I’m not a fictitious person. I’m not a corporation. And therefore, I am going to tell you the fact, I am in due court, I accept the charges’ value. And I want to use my UCC financial statement, my number, to write these charges off.³¹⁹

³¹⁵ Schottelkotte.

³¹⁶ Schottelkotte.

³¹⁷ Bill Morlin, “Florida Antigovernment ‘Sovereign Citizen’ Arrested on Kidnapping Charges,” Southern Poverty Law Center, November 29, 2016, <https://www.splcenter.org/hatewatch/2016/11/29/florida-antigovernment-sovereign-citizen-arrested-kidnapping-charges>.

³¹⁸ Peter Holley, “‘Y’all Can’t Do Nothing to Me,’ Accused Cop Killer Tells Judge, using ‘Sovereign Citizens’ Defense,” Washington Post, March 3, 2017, https://www.washingtonpost.com/news/post-nation/wp/2017/03/03/yall-cant-do-nothing-to-me-sovereign-citizen-accused-of-killing-police-officer-tells-judge/?utm_term=.1151030926c7.

³¹⁹ Daniel Dahm, “Markeith Loyd Presents ‘Sovereign Citizen’ Argument in Court,” Click Orlando, February 28, 2017, <https://www.clickorlando.com/news/markeith-loyd-expected-to-enter-plea-wednesday>.

Loyd's trial is set for September 2018; he faces the death penalty and continues to be uncooperative with the court.³²⁰ After Loyd refused to attend court hearings, the judge stated he would order Loyd forcibly brought to court if necessary.

In addition to documented violent incidents against police officers, Florida officials have frequently been the target of paper terrorism. From 2015 to 2017, the Florida Attorney General's office defended 21 court officials against fraudulent liens.³²¹ In one document filed from prison, inmate Vincent Craig Williams claimed Pinellas Clerk of the Circuit Court Ken Burke owed him \$50 million for failing to secure his release from a 20-year sentence for attempted murder.³²²

Florida has legislatively pursued several approaches to combatting paper terrorism.³²³ In June 2000, Florida passed legislation to bring relief to the courts from an onslaught of frivolous lawsuits.³²⁴ Using California's Vexatious Litigant Statute as a model, the legislature sought to strengthen a 1996 law passed to restrict inmates' ability to file lawsuits. Noting that such cases are dismissed "by the courts only after considerable expenditure of precious taxpayer and judicial resources," and further noting "the overwhelming majority of civil lawsuits filed by self-represented indigent inmates are frivolous and malicious actions intended to embarrass and harass public officers and employees."³²⁵ The state passed the Florida Vexatious Litigant Law under chapter 68.093 to expand the protections and provide for sanctions. This statute created a uniform, efficient

³²⁰ Krista Torralva, "Markeith Loyd Absent as Trial Dates Set in Killings of Pregnant Ex-girlfriend, Police Lieutenant," *Orlando Sentinel*, <http://www.orlandosentinel.com/news/breaking-news/os-markeith-loyd-hearing-december-20171201-story.html>.

³²¹ Laura C. Morel, "Pinellas Legal Officials Roiled by False Documents from Antigovernment Sovereign Citizens," *Tampa Bay Times*, January 2, 2017, <http://www.tampabay.com/news/courts/pinellas-legal-officials-roiled-by-false-documents-from-antigovernment/2308104>.

³²² Morel.

³²³ "Vexatious Litigation – An Interim Report," Florida Senate, Committee on Community Affairs, September 2011, <https://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-212ca.pdf>.

³²⁴ Deborah L. Neveils, "Florida's Vexatious Litigant Law: An End to the Pro Se Litigant's Courtroom Capers?" *Nova Law Review* 25, 1 (2000): 345, <http://nsuworks.nova.edu/nlr/vol25/iss1/10>.

³²⁵ Neveils, 353.

process for dismissing frivolous lawsuits by codifying the chaotic, haphazard, individualized process already used by the courts.³²⁶

The prior legislation only addressed inmates; the impact from private citizens was equally staggering.³²⁷ Under this law, a vexatious litigant is defined as “a person . . . who, in the immediately preceding five-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity.”³²⁸ Florida already had statutes in place that awarded attorney’s fees and costs to individuals victimized by the filers of frivolous claims; this law went further by requiring litigants to provide security before they could proceed with their action. If the security is not furnished, the court can dismiss the action with prejudice. Additionally, the court can issue an order that prohibits the litigant from filing an action without obtaining permission from the court. Considered an extreme sanction, courts must first provide notice and an opportunity to respond to the litigant before taking action against egregious abuses of the judicial system. Once a filing is deemed vexatious, the Florida Supreme Court adds individuals to a registry.³²⁹

To add protections for public employees targeted by frivolous lawsuits, Florida enacted 843.0855 in 2013, under “Criminal actions under color of law of through use of legal process.” This law states that

a person who falsely under color of law attempts in any way to influence, intimidate, harass, retaliate against, or hinder a public officer or employee involving the discharge of his or her official duties by means of, but not limited to, threats of or actual physical abuse or harassment, or through the

³²⁶ Neveils, “Florida’s Vexatious Litigant Law,” 345.

³²⁷ Neveils, 353.

³²⁸ “2012 Florida Statutes,” Florida Senate, 2012, <https://www.flsenate.gov/Laws/Statutes/2012/68.093>.

³²⁹ Florida Senate.

use of simulated legal process, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.³³⁰

During the same legislative session, to protect public officers or employees from the filing of false liens against their property, Florida enacted 817.535, under “Fraudulent practices,” which states in part that

a person who files or directs a filer to file, with the intent to defraud or harass another, any instrument containing a materially false, fictitious, or fraudulent statement or representation that purports to affect an owner’s interest in the property described in the instrument commits a felony of the third degree, punishable as proved in s. 775.082, s. 775.083, or s. 775.084.³³¹

As defined under Florida law, the commission of a third degree felony is punishable by imprisonment “up to five years, and a \$5,000 fine.”³³² The Florida Senate’s Bill Analysis and Fiscal Impact Statement noted that a 2011 defendant who filed “liens against a number of federal officers in the amount of \$48,489,000—plus interest, penalties, and fees”—was the impetus for this law.³³³ Although the liens were fraudulent, the documents damaged the credit histories of the officers after recordation in official registries.³³⁴ As of 2017, 25 people had been charged under this statute.³³⁵ Based on the 2015 Hodnefield report, Florida does not offer pre-filing administrative remedies or post-filing expedited judicial relief.³³⁶

³³⁰ “Criminal Actions under Color of Law or Through the Use of Simulated Legal Process,” Florida Legislature, accessed September 20, 2016, http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0843/Sections/0843.0855.html.

³³¹ “Crimes—Fraudulent Practices,” Florida Legislature, accessed September 20, 2016, http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=817.535&URL=0800-0899/0817/Sections/0817.535.html.

³³² “Crimes—Definitions; General Penalties; Registration of Criminal,” Florida Legislature, accessed September 20, 2016, http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0775/Sections/0775.082.html.

³³³ “Bill Analysis and Fiscal Impact Statement,” Florida Senate, March 13, 2013, <https://www.flsenate.gov/Session/Bill/2013/0112/Analyses/2013s0112.pre.cj.PDF>.

³³⁴ Florida Senate.

³³⁵ Morel, “Pinellas Legal Officials Roiled.”

³³⁶ Hodnefield, “State UCC Fraudulent Filing.”

Florida’s combined penalties of hefty fines coupled with significant jail time may constrain sovereign citizens by significantly raising the cost of failure. Additionally, Florida statutes do not affect an individual’s right of access to the courts, and specifically state under 843.0855, § (5)(c): “This section does not prohibit or in any way limit a person’s lawful and legitimate access to the courts or prevent a person from instituting or responding to legitimate and lawful legal process.”³³⁷

The state of Florida recognizes the severity of the problems caused by paper terrorists and the need for multipronged solutions. In addition to the aforementioned laws, there are several statutory provisions that prohibit incarcerated prisoners from filing vexatious or frivolous actions.³³⁸ The new criminal penalties for fraudulent filings and phony liens carry a lot more weight because the behavior cannot continue while imprisoned without serious consequences. Any prisoner who knowingly presents false information to a court will be subject to disciplinary procedures through the Department of Corrections.³³⁹

3. Georgia

In 2012, the governor of Georgia signed legislation making it a felony to file a false lien against public officials.³⁴⁰ Convictions are punishable by up to ten years in prison, a fine of \$10,000, or both. In 2014, expansion of the law offered the same protections to private citizens.³⁴¹ Previously, prosecutors could file general obstruction charges for this type of behavior; the new law adds specificity to the crime and increases the penalty, according to its author, Georgia state representative B.J. Pak, a former prosecutor. A defendant that Pak prosecuted filed a \$2 million lien against him, serving as inspiration for

³³⁷ Florida Senate, “Bill Analysis.”

³³⁸ Florida Senate.

³³⁹ “Criminal Procedure and Corrections,” Florida Legislature, accessed September 29, 2017, http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0944/Sections/0944.09.html.

³⁴⁰ Leah Nelson, “New Georgia Law Targets Antigovernment Sovereign Citizens,” Southern Poverty Law Center, April 18, 2012, <https://www.splcenter.org/hatewatch/2012/04/18/new-georgia-law-targets-antigovernment-sovereign-citizens>.

³⁴¹ Nelson.

the legislation.³⁴² The Georgia statute is broad in scope, making it a crime to file false documents such as liens or encumbrances without a requirement that the filing is retaliatory or intended to harass.³⁴³ Additionally, Georgia adopted the UCC Article 9 remedy, offering damages plus \$500 to victims of fraudulent liens.

Sovereign extremists wreaked havoc in Georgia during the years prior to the law's passage.³⁴⁴ In a unique case from 2011, twelve sovereigns in Georgia stole millions of dollars in properties by filing phony quitclaim deeds with the courts. When government officials intervened and sought prosecution, the sovereigns retaliated by filing liens and lawsuits against them.³⁴⁵ In another case, a Georgia police chief faced false liens in excess of \$800,000; the liens were in retaliation for a traffic citation issued to a sovereign citizen.³⁴⁶

The passage of this law has not deterred sovereign citizens from engaging in new behaviors. Taking possession of vacant homes by changing the locks and "squatting" has become commonplace since the foreclosure crisis of 2008. This tactic is not unique to Georgia.³⁴⁷ Prosecutors in Georgia utilize the state's Racketeer Influenced and Corrupt Organizations Act (RICO) to impose stiff sentences of up to 20 years in prison for this scheme. In addition to filing phony court papers, one crime ring even created its own fake law firm and fictitious attorney.³⁴⁸

Although specifically intended to target paper terrorism, the Georgia law does nothing to deter some of the more alarming behaviors of sovereign citizens. In 2014, a

³⁴² Judson Berger, "Georgia Lawmaker Tries to Shield Officers from 'Sovereign Citizen' Harassment," Fox News Politics, March 3, 2012, <http://www.foxnews.com/politics/2012/03/03/georgia-lawmaker-looks-to-crack-down-on-sovereign-citizens.html>.

³⁴³ Weir, "Sovereign Citizens," 865.

³⁴⁴ Nelson, "New Georgia Law."

³⁴⁵ Nelson.

³⁴⁶ Nelson.

³⁴⁷ Bill Morlin, "'Sovereign Citizens' Sentenced in Georgia for Trying to Take Possession of Homes," Southern Poverty Law Center, March 12, 2014, <https://www.splcenter.org/hatewatch/2014/03/12/%E2%80%98sovereign-citizens%E2%80%99-sentenced-georgia-trying-take-possession-homes>.

³⁴⁸ Morlin.

defendant named Dennis Marx had a scheduled court appearance to enter a plea on drug and weapon charges at the Forsyth County Courthouse in Cumming, Georgia. Marx, a self-identified sovereign citizen, drove his car up to the steps of the courthouse and began firing a semiautomatic assault rifle at the building. One deputy was injured; other deputies returned fire and killed Marx. Following the incident, a search of his vehicle uncovered explosives, ammunition, water, food and zip-tie restraining devices. A bomb was found on Marx' body and additional homemade explosive devices were located at his home. Authorities speculated that it was his intent to occupy the courthouse.³⁴⁹

In a 2016 case, a Georgia sovereign citizen attempted to arrest the members of the Clayton County Board of Commissioners. During the public comment period of the board meeting, Carl Swensson, leader of a self-proclaimed group known as the "Clayton County Citizen's Oversight Committee," ordered the police to take the officials into custody. Swensson did not reference any specific violations committed by the commission beyond violating their oath of office. Although the commissioners publicly joked about the attempted arrest, Swensson later posted a video on YouTube stating that all of the officials are still under arrest and "awaiting trial before an unspecified 'Magistrate'."³⁵⁰ In spite of jokes by officials, the incident received serious attention; the local sheriff's office informed Swensson that he could not return to the courthouse unless he had official business, and must give two days advance notice of his intent. Using his adopted sovereign citizen name of "carl-alfred: Swensson" for all court filings, Swensson has created citizens' grand juries and engaged in other tactics to harass elected officials.³⁵¹

³⁴⁹ "Forsyth Deputy Shot, Suspect Dead, Courthouse Evacuated," *Atlanta Journal Constitution*, June 6, 2014, <http://www.ajc.com/news/forsyth-deputy-shot-suspect-dead-courthouse-evacuated/ypNNTtXBbzUk7f3AYGzTmL/>.

³⁵⁰ Joe Adgie, "Citizen's Arrests of Four Clayton County Officials Disrupts BOC Meeting," *Clayton News Daily*, July 8, 2016, http://www.news-daily.com/news/citizen-s-arrests-of-four-clayton-county-officials-disrupts-boc/article_a342f553-f3a0-5a2e-a5df-56a1b688d2f9.html.

³⁵¹ Travis Gettys, "Anti-government Kooks Laughed out of Georgia County Meeting for Trying to Arrest Commissioners," *Raw Story*, July 7, 2016, <https://www.rawstory.com/2016/07/anti-government-kooks-laughed-out-of-georgia-county-meeting-for-trying-to-arrest-commissioners/>.

4. Nevada

With just under 3 million inhabitants in a region encompassing 110,000 square miles, Nevada is the ninth-least densely populated state.³⁵² At the same time, it is home to 20 anti-government groups. This high level of anarchistic sentiment is partially due to widespread anger over federal control of nearly 90 percent of the state's land.³⁵³ This resentment boiled over in the 1970s with the "Sagebrush Rebellion," a period of tension between cattle ranchers and the U.S. Bureau of Land Management.³⁵⁴ This tension peaked in 2014 with the Bundy standoff, a confrontation between BLM officers and armed supporters of cattle rancher Cliven Bundy over unpaid grazing fees.³⁵⁵ In a state with strong libertarian leanings, there were many supporters of the Bundy family, including prominent politicians. The state has a "hardscrabble, pioneer spirit," with many believers in civil liberties, limited government, and the right to "be left alone."³⁵⁶ In other words, Nevada is a potential breeding ground for sovereign citizen beliefs. There are more than 500 active, documented sovereign citizens in the Las Vegas area alone, including some that are current members of law enforcement and the military.³⁵⁷

In January 2018, anti-government sentiment received strong reinforcement when Judge Gloria Navarro of U.S. District Court in Nevada dismissed the federal case against the Bundy defendants due to "flagrant prosecutorial misconduct" by government

³⁵² "Population of Nevada, January 10, 2017," U.S. Population 2017, <http://uspopulation2017.com/population-nevada-2017.html>.

³⁵³ Library of Congress, *The Sagebrush Rebellion, 1960 to 1982, Buckaroos in Paradise: Ranching Culture in Northern Nevada, 1945 to 1982*, accessed December 8, 2017, <https://www.loc.gov/collections/ranching-culture-in-northern-nevada-from-1945-to-1982/articles-and-essays/a-history-of-the-ninety-six-ranch/the-sagebrush-rebellion-1960-1982/>.

³⁵⁴ Library of Congress.

³⁵⁵ Wikipedia, s.v. "Bundy standoff," accessed December 8, 2017, https://en.wikipedia.org/wiki/Bundy_standoff.

³⁵⁶ Andrew Doughman, "After Struggling to Gain a Foothold, Nevada's Libertarians Now Face a Leadership Void," *Las Vegas Sun*, November 18, 2013, <https://lasvegassun.com/news/2013/nov/18/after-struggling-gain-foothold-nevadas-libertarian/>.

³⁵⁷ Ken Mead, "Sovereign Citizens—the Growing Movement Worth Watching," (presentation, National Association for Court Clerk Advancement, Southern Regional Training, Metro Training Facility, Las Vegas, NV, February 22, 2018).

attorneys.³⁵⁸ While confirming the suspicions of those who already mistrust the government, the decision raised the concerns of individuals devoted to the protection of public lands. The executive director of the Center for Biological Diversity, Kieran Suckling, released a statement that read, “The Bundy’s rallied a militia to mount an armed insurrection against the government. The failure of this case will only embolden this violent and racist movement that wants to take over our public lands.”³⁵⁹ Jennifer Rokala, executive director of the Center for Western Priorities, added, “Letting the Bundy’s walk free on a technicality should send a chill down the spines of anyone who values our parks, wildlife refuges and all public lands.”³⁶⁰

Bundy is burnishing his legacy with a celebratory victory tour of rural towns in the west. Supporters, such as Chaleen Hill of Paradise, Montana, refer to him as their “idol,” while asking Bundy to autograph copies of pocket-sized Constitutions.³⁶¹ Government officials such as Steve Ellis, deputy director of the Bureau of Land Management, expressed concerns over the precedent set by the Bundy case dismissal. Ellis added, “What does this say? If you don’t like a decision by the Interior Department, you put together an armed gang to get your way?”³⁶² Federal prosecutors are not willing to give up on the case, and have asked Judge Navarro to reconsider her decision. In the written request, interim U.S. Attorney Dayle Elieson expressed concerns over the defendants’ repeated refusal to “recognize the federal government’s authority over them” or “over public lands.”³⁶³ Elieson further added, “In this country they have the right to hold those beliefs, and to espouse them in any lawful manner. But they are not...entitled to obstruct federal officers’ enforcement of lawful court orders, threaten force against those officers, ...simply because

³⁵⁸ David Ferrara, “Judge Ends Bundy Case,” *Las Vegas Review-Journal*, January 9, 2018, 1A.

³⁵⁹ Ferrara, “Judge Ends Bundy Case,” 10A.

³⁶⁰ Ferrara, 10A.

³⁶¹ Julie Turkewitz, “Newly Freed, Cliven Bundy Gets a Hero’s Welcome in Montana,” *Las Vegas Sun*, January 27, 2018, 1.

³⁶² Turkewitz, “Newly Freed,” 5.

³⁶³ David Ferrara, “Judge Urged to Reconsider Bundy Decision,” *Las Vegas Review-Journal*, February 8, 2018, 6B.

they disagree with a court order or thought the officers used ‘intimidating’ or ‘provocative’ tactics in preparing to enforce it.”³⁶⁴

Within this libertarian environment, and in recognition of the threats to courts and judicial officers, Assembly Bill No. 99 (AB99) received introduction to the state legislature on behalf of the Nevada Supreme Court in 2009. Known as the 2009 Judicial Branch Security Act, this proposal afforded the same protections to Nevada judges successfully addressed by the federal legislation of 2007. AB99 has a stated purpose to “make various changes relating to the security and safety of participants in the legal process.”³⁶⁵ The bill would achieve these improvements in three ways. First, it would make it a crime to threaten public officials with the intent of retaliating for past official actions; second, it would allow judges to keep their home addresses confidential; and finally, it would prohibit the filing of false liens against participants in the legal process. The American Civil Liberties Union strenuously objected to one of the more contentious sections of this bill, which added a capital enhancement (death penalty or life imprisonment) for murdering a participant in the legal process; the bill’s sponsors subsequently withdrew this clause.³⁶⁶

The Honorable Chuck Weller, a district court judge serving in the Family Court division from Reno, Nevada, sponsored this ambitious bill. In 2006, a sniper shot Judge Weller in his office from 170 yards away. In a letter to the Chairman of the Assembly Judiciary Committee, Judge Weller provided his personal experience in support of this bill, and argued, “Nevada’s courts have the same obligation as do the Federal Courts to provide a safe and neutral forum where people can seek justice free from fear, threats and violence.”³⁶⁷ Weller goes on to discuss paper terrorism and the filing of false liens against judges, which had been a problem in the state for decades. Although Nevada enacted NRS 281.405 in 1997 to invalidate false liens against public officials, Weller argued that it was

³⁶⁴ Ferrara, “Judge Urged to Reconsider,” 6B.

³⁶⁵ “BDR 15–410,” Assembly Bill No. 99 – Committee on the Judiciary, prefiled December 15, 2008, https://www.leg.state.nv.us/Session/75th2009/Bills/AB/AB99_R1.pdf.

³⁶⁶ Assembly Bill No. 99.

³⁶⁷ Judge Chuck Weller, “Letter to Chairman Bernie Anderson,” Assembly Judiciary Committee, Seventy-Fifth Session of the Nevada Legislature, February 13, 2009, <https://www.leg.state.nv.us/Session/75th2009/Exhibits/Assembly/JUD/AJUD89F.pdf>.

inadequate because it provided no criminal penalty. The U.S. Congress recognized the severity of the problem by adding a criminal penalty for filing false liens into the CSIA.³⁶⁸ During Committee hearings on AB99, Weller testified that no authority maintains statistics on threats against state judges; however, records kept by the U.S. Marshal Service showed that there were roughly 200 threats or attacks against federal judges in 1997, and 1,400 in 2008, a 600 percent increase. Weller believed that the state judiciary experience was analogous to the experience of the federal bench.³⁶⁹ In spite of unanimous support from the Assembly, the bill failed in May 2009 without a hearing in the Nevada Senate. Some legislators voiced concern that passage of this bill would treat judicial officers as a “special class.”³⁷⁰

Subsequent to the failure of AB99, the Nevada Supreme Court administratively amended their Court Rules in November 2012 to address broadly the problems caused by litigants who are intent on disrupting the courts. The Nevada Constitution gives the Nevada courts the power to restrict a litigant’s right to access the courts.³⁷¹ There is a general reluctance to restrict an individual’s constitutional right to access the court if there are other remedies available to address the abuses.³⁷² A complete ban on filings would inhibit access to justice in both criminal and civil cases.

The addition of Rule 9.5 requires the Administrative Office of the Courts to maintain a list of litigants that have been declared vexatious by any court in the state.³⁷³ Once added to this list, the presiding judge of the court in which they are attempting to file a case must grant permission for any subsequent filings. To protect the right of access to

³⁶⁸ Weller, “Letter to Chairman.”

³⁶⁹ “Minutes of the Meeting of the Assembly Committee on Judiciary, Seventy-Fifth Session,” State of Nevada, February 13, 2009, <https://www.leg.state.nv.us/Session/75th2009/Minutes/Assembly/JUD/Final/89.pdf>.

³⁷⁰ “Minutes of the Meeting,” State of Nevada.

³⁷¹ “Nevada Constitution, Article 6, § 6(1),” Nevada Convention of Delegates, September 1864, <https://www.leg.state.nv.us/Const/NvConst.html>.

³⁷² “Nevada Rules of Civil Procedure 11(c) (1),” Supreme Court of Nevada, March 1, 2016, <https://www.leg.state.nv.us/courtrules/NRCP.html>.

³⁷³ “Vexatious Litigant List,” Administrative Office of the Courts, accessed November 20, 2016, http://nvcourts.gov/AOC/Administration/Judicial_Council/Vexatious_Litigant_List/.

justice, the judge will determine if the litigant has a legitimate pleading; if not, the judge rejects the case. Additionally, depending upon the specific vexatious litigant order, a contempt of court order also may issue, which carries a maximum penalty of a \$500 fine, 25 days in jail, or both.³⁷⁴ These penalties may be sufficient to deter some behavior, but the process itself is problematic. A litigant must present multiple frivolous filings before a declaration of vexatiousness issues, which places a significant burden on the system.

In probably the most notorious case in Nevada (and the impetus for this rule), litigant Deann Wiesner received orders declaring her vexatious from six separate courts, at the county, state and federal level. This only occurred after she filed in excess of 50 fraudulent lawsuits against various officials, including the Clark County Sheriff and District Attorney, court clerks, administrators (including myself), judicial officers, and all seven Justices of the Nevada Supreme Court.³⁷⁵ Wiesner ultimately committed a violent action (attempted kidnapping), and in a separate case was charged with filing forged documents; she was sentenced to 12 to 48 months in prison.³⁷⁶ Upon release from prison, her tactics changed. She now makes appearances at government meetings that are open to the public; this case is just one example of how tactics may change in response to a challenge.³⁷⁷

In Nevada, there are statutory regulations against filing false liens and it does result in strong financial penalties. Nevada Revised Statute § 225.084 provides that a person who knowingly files a false or fraudulent record with the Secretary of State is liable for the \$10,000 or actual damages, whichever is greater, plus costs, attorney's fees and punitive damages.³⁷⁸ Additionally, anyone found guilty of knowingly filing a false or fraudulent

³⁷⁴ "Contempts," Nevada Revised Statutes, accessed October 31, 2016, <http://www.leg.state.nv.us/NRS/NRS-022.html#NRS022Sec100>.

³⁷⁵ "Civil/Criminal Case Records Search Results," Clark County Courts Records Inquiry, accessed November 20, 2016, <https://www.clarkcountycourts.us/Anonymous/Search.aspx?ID=400>.

³⁷⁶ "Civil/Criminal Case Records Search Results," Clark County Courts Records Inquiry.

³⁷⁷ "Meeting Summary, JCSN Court Administration Committee," Supreme Court of Nevada, Administrative Office of the Courts, May 19, 2016.

³⁷⁸ "Civil Liability for Filing Record Which is Forged or Fraudulently Altered," Nevada Legislature, accessed January 28, 2018, <https://www.leg.state.nv.us/NRS/NRS-225.html#NRS225Sec084>.

record is guilty of a category C felony, for which “a court shall sentence a convicted person to not less than one year, and a maximum term of not more than five years.”³⁷⁹ Many of the individuals found guilty of this crime claim indigence; collecting the monetary penalties is difficult, if not impossible. The threat of significant jail time creates a stronger deterrent than fines alone.

In 2011, Nevada enacted a unique pre-filing administrative remedy specifically to protect public officials. Nevada Revised Statute § 104.9516(2)(h) states, “The filing office must refuse to accept the record if the record lists a public official of a governmental unit as a debtor and the public official has not authorized the filing in an authenticated record.”³⁸⁰ The protections of this law are very narrow, compared to the broad discretion granted filing offices in other states.

5. New Jersey

In addition to the more traditional sovereign extremists, there is a nexus to New Jersey and several offshoots of the sovereign citizen movement. An extremist group known as the National Liberty Alliance (NLA) has approximately 20 members in New Jersey. The NLA actively encourages its members to intimidate government officials through the creation of “common law grand juries.” They claim authority to “conduct investigations, issue indictments, and remove public officials from office.”³⁸¹ The state is also home to a very active group of Moorish sovereign citizens, an opportunistic group that specializes in producing and selling fraudulent identification. Although the sovereign citizen movement has a foundation based on white supremacy, the Moorish Nation is a Black Nationalist group.³⁸² Mark Potok, director of the SPLC Intelligence Project, alleges that black groups

³⁷⁹ “Categories and Punishment of Felonies,” Nevada Legislature, accessed January 28, 2018, <https://www.leg.state.nv.us/NRS/NRS-193.html#NRS193Sec130>.

³⁸⁰ “Chapter 104 – Uniform Commercial Code,” Nevada Revised Statutes, accessed January 28, 2018, <https://www.leg.state.nv.us/NRS/NRS-104.html#NRS104Sec9509>.

³⁸¹ New Jersey Office of Homeland Security and Preparedness, *Sovereign Citizen Extremists*, January 17, 2017, <https://www.njhomelandsecurity.gov/analysis/sovereign-citizen-extremists>.

³⁸² Sarah Netter, “Anti-Government Sovereign Citizens Taking Foreclosed Homes Using Phony Deeds, Authorities Say,” ABC News, August 23, 2010, <http://abcnews.go.com/US/georgia-battling-sovereign-citizens-squatting-foreclosed-homes/story?id=11445382>.

are attracted to “the idea of complete sovereignty.” In other words, Potok adds, “the white man can’t mess with us.” Other Moorish tactics include squatting in abandoned homes and filing false liens as a tool for harassing public officials.³⁸³

New Jersey has experienced disturbing growth in sovereign citizen activity. In 2014 alone, court officials handled 1,200 cases involving sovereign citizens.³⁸⁴ At that time, an estimated 2,500 self-identified sovereign citizens resided in the state.³⁸⁵ In one example from 2013, Wisconsin-based sovereign citizen Michael Rinderle made threats against a Voorhees Township judge and 27 other public officials due to anger over New Jersey traffic citations issued to his wife. Rinderle made good on his threat and filed liens totaling \$42 million against the judge, court staff and police officers. He received five years in prison after the first successful prosecution in New Jersey for filing false liens.³⁸⁶

To combat the problems caused by sovereign citizens, New Jersey passed Assembly Bill No. 2481 in May 2015.³⁸⁷ This law provides remedies for the victims of fraudulent filings by protecting the “real or personal property of a current or former public servant, the public servant’s immediate family or estate, a current or former federal officer or employee, or the officer’s or employee’s immediate family or estate.”³⁸⁸ Parallel levels of protection are contained in this law; both civil actions and criminal sanctions are available penalties. This law made filing a false lien a second-degree crime, a serious penalty that carries a presumption of incarceration of five to ten years in state prison even

³⁸³ New Jersey Office of Homeland Security and Preparedness, *Sovereign Citizen Extremists*.

³⁸⁴ “N.J. Officials to Discuss ‘Sovereign Citizens,’” *New Jersey Advance Media*, November 18, 2014, http://www.nj.com/politics/index.ssf/2014/11/local_officials_to_discuss_how_to_grapple_with_sovereign_citizens.html.

³⁸⁵ Dustin Racioppi, “‘Sovereign Citizens’ are More Than Just Pests, Officials Say at N.J. Conference,” *North Jersey*, November 19, 2014, <http://www.northjersey.com/news/the-folks-who-make-up-their-own-laws-1.1136432?page=all>.

³⁸⁶ Joe Green, “‘Sovereign Citizen’ Threatens Voorhees Officials over Traffic Tickets, Authorities Say,” *North Jersey*, April 8, 2014, http://www.nj.com/camden/index.ssf/2014/04/sovereign_citizen_follower_threatens_voorhees_officials_over_tickets_authorities_say.html.

³⁸⁷ Michael N. Colacci, “Sovereign Citizens: A Cult Movement That Demands Legislative Resistance,” *Rutgers Journal of Law & Religion* 17 (2015): 151, <http://www.lawandreligion.com/sites/law-religion/files/Sovereign-Citizens-Colacci.pdf>.

³⁸⁸ New Jersey Assembly, “New Jersey Assembly Bill 2481,” *LegiScan*, May 11, 2015, <https://legiscan.com/NJ/text/A2481/id/1234611>.

for a first offense. Victims may concurrently take civil action against the individual and recover up to \$2,000 in actual damages. This law further prohibits anyone convicted of this crime from filing any future liens without prior court approval.

Although this bill was a step in the right direction, recent activity shows that it was not enough to deter sovereign citizen behavior. In January 2017, the New Jersey Office of Homeland Security and Preparedness (NJOHSP) conducted a review of 24 states with enacted or pending laws that impose penalties on the filers of fraudulent liens. The study found that extremists are becoming more creative at finding ways to circumvent laws.³⁸⁹ The NJOHSP views sovereign citizen extremists as only a moderate threat to the state, as they generally engage in nonviolent activity, such as “counterfeiting, verbal and written harassment, unlawful property scams, and financial fraud.”³⁹⁰

In 2016, sovereign citizen extremists conducted multiple attacks and plots. In May, Marcus Paden struck a St. Joseph police officer after refusing to identify himself during a traffic stop. In July, Oklahoma City resident Brandon Lara attempted to cause mass panic at a Black Lives Matter rally by planting smoke bombs. Lara told authorities that he identified with the sovereign citizen movement.³⁹¹ Figure 4 shows that there were 44 documented attacks by sovereign extremists from 2010 to 2016; law enforcement officers were the target 70 percent of the time.

³⁸⁹ New Jersey Office of Homeland Security and Preparedness, *Sovereign Citizen Extremists*.

³⁹⁰ New Jersey Office of Homeland Security and Preparedness.

³⁹¹ Associated Press, “Police: Man Arrested at OKC Protest after Smoke Bombs Found,” Fox News 12, July 11, 2016, <http://www.kxii.com/content/news/Police-Man-arrested-at-OKC-protest-after-smoke-bombs-found-386324061.html>.

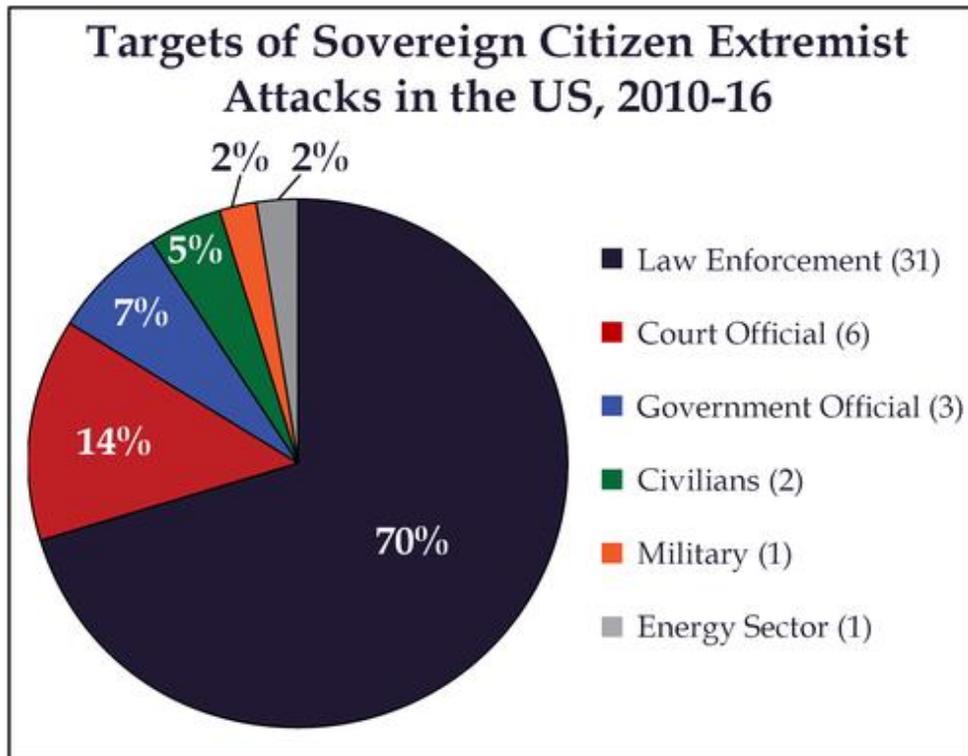


Figure 4. Targets of Sovereign Extremist Attacks³⁹²

In spite of the 2015 New Jersey laws, the NJOHSP noted that in March 2016, a sovereign citizen filed liens against public officials that totaled over \$120 million. The existing penalties were clearly not a deterrent for this individual, as he filed the fraudulent liens from prison. The New Jersey legislature enhanced the criminal penalties for filing false liens in May 2016, but it seems unlikely that they will serve as a deterrent.³⁹³ The NJOHSP recognizes that they have several gaps in their intelligence, most notably what factors motivate sovereign citizens to adopt more violent tactics, and how they are using the Internet to recruit.

³⁹² Source: State of New Jersey Office of Homeland Security and Preparedness, *Sovereign Citizen Extremists*, January 17, 2017, <https://www.njhomelandsecurity.gov/analysis/sovereign-citizen-extremists>.

³⁹³ New Jersey Office of Homeland Security and Preparedness.

6. Selection Overview

The five states selected for further analysis all have significant sovereign citizen activity but have adopted varying remedies. California has been the most proactive of the five states; Georgia has enacted the least amount of available remedies. All five states have criminal penalties. Three of the five have vexatious litigant laws or rules. Table 3 summarizes the solutions adopted by each state.

Table 3. Summary of Sample States' Remedies³⁹⁴

State	Pre-Filing Administrative Remedies	Post-Filing Administrative Remedies	Post-Filing Expedited Judicial Relief	Criminal Penalties	Vexatious Litigant Rules	Department of Corrections Disciplinary Procedures
California	May reject unlawful, false or fraudulent filings intended to harass or defraud	Civil penalty not to exceed \$5,000 for fraudulent liens against public officers	Yes	Felony	Yes	None
Florida	None	Article 9 remedies plus injunctive relief, damages, civil penalties, costs and attorney fees	None	Felony, degree enhanced for multiple offenses	Yes	Yes
Georgia	None	Article 9 remedies, damages plus \$500	None	Felony	None	None
Nevada	Refuse to accept if public official is listed and has not authorized	Article 9 remedies plus greater of \$10,000 or actual damages, costs and attorney fees and punitive damages	None	Category C Felony	Yes	Yes
New Jersey	Filing office granted broad discretion to refuse filing	Article 9 remedies, damages plus \$500	None	Second degree offense	None	None

³⁹⁴ Adapted from: Hodnefield, "State UCC Fraudulent Filing."

B. PURPOSE

The survey population was explicitly limited to states with known sovereign citizen issues and varying degrees of punishment and prevention. The survey questions attempt to make several determinations. First, does case type play a role in sovereign activity? For example, failure to recognize the legitimacy of traffic laws is a known sovereign ideology; therefore, it would be reasonable to expect courts that handle traffic cases to be the target of sovereign behavior.

Second, are court professionals familiar with sovereign citizen ideology and have they interacted with these individuals? Which types of behaviors and interactions have they had? Have any officials within their court been victimized by paper terrorism or violent actions? Because of the specific targeting of the states, one would expect affirmative answers to these questions; negative responses could be indicative of an inflation of the seriousness of the problem or a general lack of awareness.

Third, the survey attempts to measure awareness of the legal measures taken by their respective state to counter paper terrorism. Are court officials even aware of actions that they may take? What internal mechanisms ensure the safety of court staff?

Finally, the survey asks if there has been a change in sovereign citizen activity since the enactment of the legislation or court rules. Has activity increased, decreased, or stayed the same? Have new behaviors developed in response? Has violence or threats of violence increased? Would they make recommendations to court professionals in other states based on their personal experience?

C. DATA SOURCES

On July 25, 2017, the NPS Institutional Review Board determined that the research was exempt (Appendix A) and approval was given to proceed with the survey. A survey instrument collected the data utilizing the Naval Postgraduate School Enterprise Survey software, LimeSurvey. Originally, the National Association for Court Management was going to distribute the survey, utilizing the organization's listserv functionality. The current President of the Board of Directors declined to handle direct distribution of the survey to

its members, as the request was in violation of the NACM Communications Policy, which only allows this action on behalf of organizations, not individuals. Members of NACM have direct access to the member directory and their email addresses; therefore, I used this available resource.

The directory offers numerous selection criteria. After sorting by the desired states, selection for participation in the survey was limited to court professionals most likely to have direct knowledge of interactions with sovereign citizens, such as judges, court administrators, court executive officers, and court operation managers. The site provided member email addresses to create distribution lists for each state.

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V. SURVEY RESULTS

The survey population was explicitly limited to states with known sovereign citizen issues and varying degrees of punishment and prevention. The survey questions attempt to make several determinations. First, does case type play a role in sovereign activity? For example, failure to recognize the legitimacy of traffic laws is a known sovereign ideology; therefore, it would be reasonable to expect courts that handle traffic cases to be the target of sovereign behavior.

Second, are court professionals familiar with sovereign citizen ideology and have they interacted with these individuals? Which types of behaviors and interactions have they had? Have any officials within their court been victimized by paper terrorism or violent actions? Because of the specific targeting of the states, one would expect affirmative answers to these questions; negative responses could be indicative of an inflation of the seriousness of the problem or a general lack of awareness.

Third, the survey attempts to measure awareness of the legal measures taken by their respective state to counter paper terrorism. Are court officials even aware of actions that they may take? What internal mechanisms ensure the safety of court staff?

Finally, the survey asks if there has been a change in sovereign citizen activity since the enactment of the legislation or court rules. Has activity increased, decreased, or stayed the same? Have new behaviors developed in response? Has violence or threats of violence increased? Would they make recommendations to court professionals in other states based on their personal experience?

Although the goal was to distribute the survey evenly across all five targeted states, membership (or non-membership) in NACM and job function served as a limitation. Recipients received the link to the LimeSurvey site via email on August 22, 2017 (Appendix B). After accounting for invalid email addresses, there were 323 recipients. A reminder email (Appendix C) followed two weeks later on September 5, 2017. Survey participation expired on September 25, 2017. Eighty individuals responded to the survey, with 73 submitting complete responses. The total response rate was under 25 percent,

which is well below the expected 50 percent response rate. The survey responses are examined in detail in subchapter B.

A. SURVEY RESPONSES

Question 1 asked respondents to identify the state where their court is located. Table 4 shows the breakdown of the recipients and responses by state, and the response rate for each.

Table 4. Recipients and Responses by State

State	# of Recipients	Complete Responses	Incomplete Responses	Combined Response Rate
California	85	17	5	25.90%
Florida	94	10	0	10.60%
Georgia	73	17	0	23.30%
Nevada	51	23	0	45.10%
New Jersey	20	6	2	40.00%
Total	323	73	7	24.80%

Response rates were much lower than anticipated. The timing of the survey may partially explain Florida’s low response rate of 10.6 percent. The beginning and ending dates of the survey overlapped the mandatory Hurricane Irma evacuation that affected most of the entire state; a number of non-respondents sent short emails identifying this as the reason for their lack of participation. Nevada is the least-populated state of the five states surveyed, but had the highest rate of participation. Several factors contributed to the Nevada response rate. With 51 active NACM members, the state proactively encourages education and training for court professionals. During the timing of this survey, the Nevada Administrative Office of the Courts began offering training on sovereign citizens, which increased awareness of the need for solutions. Although New Jersey has significant problems with sovereign citizens, the state would have been excluded from the survey if the low number of NACM members had been known in advance. With 21 Superior Courts, 539 Municipal Courts, and a former past president of the organization, it was expected that

more professionals from New Jersey would be active in NACM.³⁹⁵ In spite of the low number of survey recipients, 40 percent of New Jersey NACM members responded. The survey pool for California and Georgia were comparable in size, as were the response rates. Although the overall response rate was lower than expected, there was remarkable consistency in the responses across all five states.

³⁹⁵ “Welcome to the New Jersey Court System,” New Jersey Courts, accessed February 7, 2018, <https://www.judiciary.state.nj.us/public/process.html?lang=eng#two>.

Question 2 asked, “What types of cases does your court handle?” Respondents could check all that applied, and had the opportunity to select “Other,” with a field for describing the additional case types. Table 5 shows that Criminal, Civil, and Traffic were the most common case types handled by the respondents.

Table 5. Case Type

Case Type	# of Responses	Percentage
Criminal	69	94.52%
Civil	63	86.30%
Traffic	55	75.34%
Landlord/Tenant	52	71.23%
Small Claims	48	65.75%
Family Law (divorce, child custody, etc.)	43	58.90%
Other (Please describe)	23	31.51%

Within the U.S., court systems differ dramatically from state to state. Because sovereign citizen behavior is so closely associated with certain types of interactions, such as traffic citations, property disputes, or child support, this question frames the survey respondents from this perspective. The responses indicate that the respondents are a representative sample of the case types affected by paper terrorism. For the “Other” category, 23 respondents listed a number of additional case types. The most frequent response was Juvenile, including Dependency and Delinquency of which there were nineteen; followed by Probate, which had nine respondents; Mental Health Court had seven respondents; Guardianship and Appeals both had four respondents each; and finally, Problem-solving treatment courts, traffic and criminal misdemeanors, and the Administrative Office of the Courts each had one respondent.

Question 3 asked, “Are you familiar with sovereign citizen ideology?” Table 6 shows that more than 86 percent of the respondents are familiar with sovereign citizens.

Table 6. Familiarity with Sovereign Citizen Ideology

Familiarity	# of Responses	Percentage
Yes	63	86.30%
No	6	8.22%
Don't know or not sure	4	5.48%
Total	73	100.00%

This familiarity may be due to one of two factors. First, members of NACM are proactively seeking advanced court education, which has included seminars on the topic. Second, those who responded to the survey may have done so due to their existing familiarity with the subject. The seven respondents who did not complete the survey all terminated participation after responding “No”, or “Don't know or not sure” to this question.

Question 4 asked, “Has your court had interactions with sovereign citizens?” Examination of the data in Table 7 shows that those who are familiar with sovereign citizen ideology have interacted with them.

Table 7. Court Interactions with Sovereign Citizens

Interactions	# of Responses	Percentage
Yes	62	84.90%
No	3	4.10%
Don't know or not sure	8	10.90%
Total	73	100.00%

Question 5 listed a series of behaviors associated with sovereign citizens, and asked the respondent to select all experienced by their court. The option of “Other” was available, with space to list the additional behaviors. Table 8 displays the responses to this question.

Table 8. Behaviors Experienced by Court

Behaviors	# of Responses	Percentage
Stating the court has no legitimate authority over them	63	86.30%
Refusing to recognize legitimate debts	49	67.10%
Demanding copies of an official’s oath of office	45	61.60%
Filming or recording interactions with staff	43	58.90%
Presenting false passport, driver’s license, or other false ID	21	28.80%
Using fake license plates	12	16.40%
Using fake currency	11	15.00%
Other	10	13.70%
Impersonating a law enforcement officer	9	12.30%
Don’t know or not sure	6	8.20%
None of these	1	1.40%

More than 86 percent of respondents cited, “Making statements that the court has no legitimate authority over them.” This was followed by “Refusing to recognize legitimate debts,” at 67 percent, “Demanding copies of an official’s oath of office,” at 62 percent and “Filming or recording interactions with staff,” at 59 percent as the most commonly observed behaviors.

Other responses include, “excessive emails to various authorities with accusations of fraud; refuse to provide identification or provide testimony; voluminous filings; refusing to even have a driver's license or any other government issued identification; refusing to identify who they are by name; excessive filing of frivolous paperwork; filing frivolous, lengthy, nonsensical pleadings; using unusual adaptations of their legal names, e.g., ‘House of Wray’ as a last name; using legal terms out of context, sending threatening letters to judges and other court officers; setting up fake Facebook pages or website in a judge's or magistrate's name; impleading into existing court actions; using other names; refusing to acknowledge flags with fringe as U.S. flags; and law suits filed against court staff and the judge.”

Question 6 asked respondents if their court received any unusual filings containing specific characteristics. Respondents had the option of “Other,” and could add the additional characteristics. Table 9 shows that use of nonsensical language is the most common occurrence in court filings.

Table 9. Court Filings with Sovereign Citizen Characteristics

Sovereign Citizen Characteristics	# of Responses	Percentage
Use of nonsensical language	51	69.90%
References to the Bible, Magna Carta, the Bill of Rights, or the original articles of the U.S. Constitution	49	67.10%
Voluminous and nonsensical language	48	65.80%
References to Uniform Commercial Code	42	57.50%
Signatures followed by phrases such as “under duress” or “without prejudice”	42	57.50%
Names spelled in all capital letters, or with colons or dashes interspersed	39	53.40%
Personal seals, stamps or bloody (or red) fingerprints	37	50.70%
The phrase “Accepted for Value”	30	41.10%
References to maritime law	27	37.00%
Written or signed in red ink or crayon	23	31.50%
Don’t know or not sure	13	17.80%
Delivered with more than \$20 in postage, regardless of the amount required	9	12.30%
Other	4	5.50%
None of these	2	2.70%

“References to the Bible, the Magna Carta, the Bill of Rights, or the original articles of the U.S. Constitution,” followed closely at 67 percent, and “Voluminous and nonsensical language,” at 66 percent. References to the Uniform Commercial Code, personal seals, stamps or bloody (red) fingerprints, signature followed by “under duress” or “with prejudice” and names spelled in all capital letters, or with colons or dashes interspersed were characteristics noted by more than 50 percent of the respondents. The four respondents that selected “Other” listed, “Sui Juris; Latin phrases; refusal to properly

identify court; switch parties from plaintiff/defendant to "a woman" "a man" and plaintiffs become wrongdoer; refusal to use capital letters in court caption; footprints; and claiming not to be the person because their name is spelled in upper and lower case, not all caps.”

Question 7 stated, “Sovereign citizens have been known to commit retaliatory actions against officials.” Respondents could select all experienced by any official in their court. Table 10 shows that meritless lawsuits and false liens were the most common retaliatory actions against court officials.

Table 10. Retaliatory Actions against Court Officials

Retaliatory Actions Against Court Officials	# of Responses	Percentage
Filing meritless lawsuits against judges/court staff	33	45.21%
Filing false liens against the property of judges/ court staff	30	41.10%
Filings that contain a physical or financial threat against judges/ court staff	25	34.25%
Subpoenas or warrants issued against officials by “common law” courts	20	27.40%
Don’t know or not sure	17	23.29%
Threats of violence against judges/court staff	12	16.44%
None of these	10	13.70%
Falser reports of income to the Internal Revenue Service against judges/court staff	8	10.96%
Falsely reported information to create a negative credit report against judges/court staff	5	6.85%
Other	3	4.11%
Acts of violence committed against judges/court staff	1	1.37%

Filings that contain a physical or financial threat against judges or staff followed closely at 34 percent. Only one respondent reported an actual act of violence committed against a judge or court staff; however, more than 16 percent reported threats. Three respondents provided other answers, which included, “Refusal to testify; a common law jury was convened in the 3rd Judicial Circuit in Florida; and false liens were filed against

the Nye County Treasurer—she couldn’t sell her house because of the lien filed by a sovereign citizen.”

Question 8 refers to the prior questions, and asks, “If your court has experience with any of the actions described in the previous questions, please select all situations in which this behavior has been exhibited.” The data displayed in Table 11 is consistent with the literature.

Table 11. Situations Where Behavior has been Exhibited

Situations Where Behavior Exhibited	# of Responses	Percentage
Traffic violations	39	53.42%
Criminal cases	38	52.05%
Property disputes	30	41.10%
Family law cases (divorce, custody, estate, etc.)	22	30.14%
Communications from incarcerated individuals	21	28.77%
Mortgage fraud	17	23.29%
Credit card debt	13	17.81%
Don’t know or not sure	12	16.44%
Other	7	9.59%
White collar financial crimes	4	5.48%
None of these	4	5.48%

The majority of interactions with sovereign citizens occur when courts are handling traffic violations or criminal violations, with over half of the respondents answering affirmatively to these questions. Property disputes closely follow these behaviors. Nearly 29 percent of the respondents received communications using sovereign language from incarcerated individuals, an indication that even criminal penalties may not be sufficient to curb the behavior. Other answers included, “Dependency; Juvenile Court dependency matters; Civil; Civil litigation; AOC; Unlawful detainers and other landlord tenant disputes; without research, I can’t tell you the others, but we have had multiple filings as a result of traffic citations.”

Question 9 asks, “When encountering sovereign citizen behavior, does your court take any of the following security measures”? Table 12 shows that nearly two-thirds of respondents notify court security staff.

Table 12. Court Security Measures

Court Security Measures	# of Responses	Response Percentage
Notify court security staff	48	65.75%
Require additional court security staff to attend a court hearing	26	35.62%
Notify local law enforcement	14	19.18%
Don't know or not sure	13	17.81%
None	8	10.96%
Other	8	10.96%
Notify the regional Fusion Center	4	5.48%
Court has no experience with sovereign citizens	1	1.37%

More than a third add court security staff to court hearings. Eight respondents provided additional comments, “It depends on the individual; make leadership aware, and share the documents with the Courts General Counsel; notify court counsel on every occasion and security on an as-needed basis; filing office handles when the citizens are in the filing office; transmit correspondence to the FBI; would take other actions listed if warranted and appropriate; depending on the perceived threat, bailiff staff would be notified; staff also notify me, the court administrator.”

Question 10 states, “Your state has taken measures to combat the tactics of sovereign citizens. Please select all that apply from the following list.” Table 13 shows that more than half of the respondents were not aware of the measures taken by their individual state.

Table 13. Measures Taken by State

Measures Taken by State	# of Responses	Response Percentage
Don't know or not sure	37	50.68%
Vexatious litigant court rules	30	41.10%
Legislation against frivolous filings	15	20.55%
Legislation against fraudulent liens	13	17.81%
Other	2	2.74%

All of the states selected for this survey have enacted some form of legislation or court rules to combat sovereign citizen tactics. More than 40 percent were aware of vexatious litigant rules. Other responses include, “Unsure if there are measures in addition to vexatious litigant rules of court; and staff has received training by law enforcement.”

Question 11 asks, “Since the enactment of the rules or legislation in your state, has there been a change in sovereign citizen activity?” Table 14 shows that nearly half of the respondents are not sure.

Table 14. Change in Activity

Change in Sovereign Citizen Activity	# of Responses	Response Percentage
Don't know or not sure	34	46.58%
Sovereign citizen activity is about the same	29	39.73%
Sovereign citizen activity has increased	5	6.85%
Sovereign citizen activity has decreased	5	6.85%
Total	73	100.00%

The majority of respondents, 47 percent, did not know or were not sure if sovereign citizen activity has changed because of the rules or legislation in their state. An equal number of respondents, 7 percent, reported either an increase or decrease in sovereign citizen activity since the enactment of the respective rules in their state. Nearly 40 percent believe the amount of activity has not changed.

Question 12 asks, “Have you observed new behaviors that can be identified with sovereign citizens”? Table 15 shows that more than half of the respondents have not observed new behavior.

Table 15. New Behaviors Observed

New Behaviors Observed	# of Responses	Response Percentage
No	37	50.68%
Don't know or not sure	26	35.62%
Yes (Please describe)	10	13.70%
Total	73	100.00%

An additional 36 percent were not sure. Others listed, “Writ of Habeas Corpus Filings; Probable Cause filings in municipal courts; we have had a recent upswing in sovereign citizen activity; filing motions on behalf of a family member to which they are not a party on the case; attempting to file pleadings by mail; I have received filings/letters for civil cases with strange language that appear to be unrelated to the case at hand; all of these filings/letters are referred to court counsel for response; fingerprints are commonly placed on these filings; militia type support that attend with defendant to court hearings; changes in approach, and documents, making it harder to determine fraud; they state that the court does not have jurisdiction if the American flag in the courtroom has gold fringe around the edges of the flag; they toss papers with Latin phrases at the clerks and they always appear in twos, never alone; False Claim Act Filings and impleading into existing foreclosure actions as a delay tactic; postage stamps used on pleadings, other USPS stickers (registered stickers used as serial numbers), thumb prints on everything, won't listen or adhere to local court rules; not recently; the most recent was response by mail and most persistent seem to be traffic tickets for moving violations/insurance/driver's licenses; it appears that some customers are not actually sovereign citizens but when looking for assistance on the Internet, such as how to fight a traffic ticket, they get information from a sovereignist [sic] website; and I don't know if this is specifically "new," but what I see most often is (for lack of a more appropriate term) a “wanna-be” sovereign citizen who has a

very rudimentary understanding of the movement, and is trying to file documents/present arguments based on what he has read online--and then quickly realizing that he's in over his head.”

Question 13 asks, “Has there been an increase in threats or acts of violence against judges or court staff since the enactment of the rules or legislation in your state”? Table 16 shows that only one respondent reports an increase in threats or acts of violence; 43 percent responded No, and the remaining 56 percent did not know or were not sure.

Table 16. Observed Increase in Threats or Acts of Violence

Observed Increase in Threats/Acts of Violence	# of Responses	Response Percentage
Don't know or not sure	41	56.16%
No	31	42.47%
Yes	1	1.37%
Total	73	100.00%

Question 14 asks, “Based on the experiences in your state, would you recommend the adoption of similar rules and/or legislation to courts in other states?” Table 17 shows that the responses are consistent with Question 10, where more than 50 percent of respondents were not aware of the laws or rules enacted in their state. For Question 14, more than 56 percent of respondents did not know or were not sure if they would recommend adoption of those rules/laws to other states.

Table 17. Recommend Adoption of Rules or Legislation

Recommend Adoption of Similar Rules	# of Responses	Response Percentage
Don't know or not sure	41	56.16%
Yes	31	42.47%
No	1	1.37%
Total	73	100.00%

B. SUMMARY OF SURVEY RESULTS

The survey supports the existing literature on commonly experienced sovereign tactics and behaviors, which are consistent across the country. In spite of the low survey response rate, I believe that this work does contribute to answering the larger research questions posed in Chapter I. Legislative remedies do not appear to be completely effective at discouraging or preventing acts of paper terrorism, as only 7 percent of respondents to the survey believed that activity had decreased since the passage of legislation specifically designed to address sovereign citizen legal system abuses. Although the five states sampled have varying degrees of prevention and punishment, there was no significant difference between them regarding changes in sovereign citizen activity. The majority of respondents across all five states indicated that there has been no change.

VI. RECOMMENDATIONS AND CONCLUSION

The sovereign citizens do not appear to be declining anytime soon, although historically, extremist movements have been cyclical, depending on the existing political or economic conditions. According to JJ MacNab, an expert and author on sovereign citizens, the last era ended with the Oklahoma City bombing when law enforcement cracked down on militia movements and public support for right-wing extremists faded.³⁹⁶ The current movement gained traction in the late 2000s due to the foreclosure crisis, and it appears to be attracting younger members, mostly due to Internet communities and such conspiracy theorists as Alex Jones.³⁹⁷ Hyperbolic political rhetoric is lending mainstream support for anti-government beliefs.³⁹⁸ In addition, anti-government groups are gathering new followers, along with money and weapons, in response to this growing acceptance of their ideology by the media and political organizations.³⁹⁹

In spite of law enforcement concerns about sovereign citizens, the Trump administration now has the Department of Homeland Security (DHS) focused solely on Islamic Terrorists; monitoring domestic terrorism is currently the responsibility of the FBI.⁴⁰⁰ Darryl Johnson, former senior analyst with DHS, said, “We’re basically dealing with two competing threat streams...In the intelligence community, homegrown violent extremism is the Muslim variety, and domestic terrorism is the traditional, non-Islamic stuff. But people use those terms interchangeably—even police do—and it gets very confusing.”⁴⁰¹ MacNab adds that, “it’s a mistake to concentrate on one form of terrorism at the expense of another... It’s not a competition between jihadists and right-wingers—

³⁹⁶ Conroy, “They Hate the U.S. Government.”

³⁹⁷ Conroy.

³⁹⁸ MacNab, “What Las Vegas Police Killings Show.”

³⁹⁹ Alicia Swift, *Antigovernment Groups: A Growing Threat to U.S. Security*, (Los Alamos, NM: Los Alamos National Laboratory, 2016), 10, <http://permalink.lanl.gov/object/tr?what=info:lanl-repo/lareport/LA-UR-16-22249>.

⁴⁰⁰ Swift.

⁴⁰¹ Judy L. Thomas, “Violent Sovereign Citizen Plots Grow in the U.S. – and Now Go Worldwide,” *Kansas City Star*, December 26, 2015, <http://www.kansascity.com/news/politics-government/article51690630.html>.

who's killed more, who's more dangerous. Either side could change all that in a single day."⁴⁰²

Terrorists change in response to a changing environment. The best form of deterrence to terrorism is one that raises the costs of failure and reduces the likelihood of success.⁴⁰³ MacNab believes that violence may become more frequent when sovereigns discover that they are not achieving their goals.⁴⁰⁴ Ultimately, sovereign citizens, as a group, are weaker than the governmental authorities that they oppose.⁴⁰⁵

A number of states are strengthening and expanding prior legislative efforts, which is an indication that the initial laws were not as effective as intended. There is always a concern that a remedy will lead to unintended consequences, but there does not appear to be an increase in acts of violence aimed at the courts in response to any particular legislation. Although vexatious litigant laws have led to additional lawsuits aimed at demanding access to the courts, this outcome does not appear to be significant.

A. RECOMMENDATIONS

Based on the results of this research, a comprehensive solution for paper terrorism should incorporate a combination of criminal, civil, and administrative remedies to provide the greatest deterrence to offenders and the highest level of protection to victims. Following are recommendations for legislative and procedural safeguards.

1. Impose Criminal Penalties

If Crenshaw's theories are accurate, increasing the cost of failure may serve as an effective deterrent. Accordingly, the first recommendation is to propose legislation that imposes criminal penalties, including jail time and restitution paid to the victim, for filing

⁴⁰² Thomas, "Violent Sovereign Citizen Plots."

⁴⁰³ Tucker, "Instrumental and Organizational Approaches."

⁴⁰⁴ Lorelei Laird, "'Sovereign Citizens' Plaster Courts with Bogus Legal Filings - -and Some Turn to Violence," *ABA Journal* (May 2014): 5, http://www.abajournal.com/magazine/sovereign_citizens_plaster_courts_with_bogus_legal_filings/.

⁴⁰⁵ Laird.

phony lawsuits or fraudulent liens. Restitution is a common requirement in the sentences of criminal defendants as a way to repay victims for the damage caused.⁴⁰⁶ In addition to repaying the victim financially, restitution intends to impress upon an offender the impact of their crime on individuals and the community as a whole. Collection of restitution may be more enforceable than civil penalties, as it is generally monitored by the court or by a parole board after release from prison.⁴⁰⁷

Although 34 states now impose criminal penalties for filing fraudulent liens, at this time Texas is the only state that has similarly addressed phony lawsuits. Under Texas Penal Code §32.48, a person who delivers documents that “simulate a summons, complaint, judgment, or other court process with the intent to” fraudulently “induce payment of a claim, or take any action or refrain from taking any action in response to the document,” is guilty of a Class A misdemeanor.⁴⁰⁸ Subsequent convictions under this law are punishable as “state jail felonies.”⁴⁰⁹ It is recommended that all states impose criminal penalties for both fraudulent liens and lawsuits; the Florida, Alabama, or Texas laws are all worthy models for this legislation. Imposing escalating penalties for additional convictions, or attacks that specifically target public servants as retaliation for the performance of their duties should be considered as part of this recommendation.

The protections afforded by such legislation should include private citizen victims for two reasons: (1) private attorneys, real estate agents, and others are frequently becoming the targets of paper terrorists; and (2) legislators are sometimes reluctant to pass laws that afford special protections to public officials and employees, lest it create the appearance of extraordinary treatment. As several states, including California and New Jersey, are expanding existing laws to include private citizens, it would be preemptive for other states to construct their legislation to be inclusive in the first place.

⁴⁰⁶ *Free Dictionary*, s.v. “restitution,” accessed February 25, 2018, <https://legal-dictionary.thefreedictionary.com/restitution>.

⁴⁰⁷ *National Center for Victims of Crime*, “Restitution,” 2004, <http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/restitution>.

⁴⁰⁸ “Texas Penal Code § 32.48. Simulating Legal Process,” Findlaw for Legal Professionals, <http://codes.findlaw.com/tx/penal-code/penal-sect-32-48.html>.

⁴⁰⁹ “Texas Penal Code § 32.48.”

Although the laws adopted by Florida are too new to evaluate for effectiveness, in theory they serve as a greater deterrent to sovereign citizens by significantly raising the cost of failure via criminal penalties. Additionally, Florida statutes do not affect an individual's right of access to the courts, and specifically states under 843.0855, § (5)(c): "This section does not prohibit or in any way limit a person's lawful and legitimate access to the courts or prevent a person from instituting or responding to legitimate and lawful legal process."⁴¹⁰ Incarceration is an extreme remedy, but may be the only option if less severe measures fail to achieve the desired change in behavior.

2. Authorize Disciplinary Procedures

Criminalizing paper terrorism will discourage some, but not all, sovereign citizens. For example, there is evidence that inmates learn many of the tactics while in prison. Self-interest is the typical motivation for incarcerated individuals who employ sovereign tactics; their goal is usually to attain a reduction in their sentence. They may also view sovereign tactics as a means of addressing a grievance against members of the system that convicted them. In one extreme case, an inmate serving a life sentence in Virginia filed statements claiming federal judges, prison employees, and a clerk of the federal court owed him \$108,000,000. A lengthy battle resulted in several levels of punishment for the inmate, including criminal contempt, fines from his canteen account, and a segregation order.⁴¹¹ Clearly, prison alone is not necessarily a deterrent.

Florida has also been a leader in recognizing that the behavior does not necessarily end in prison; the Legislature determined additional measures were necessary to curb frivolous filings from inmates. Under Title XLVII—Criminal Procedure and Corrections, Chapter 944—State Correctional System, the Florida Legislature authorized the Department of Corrections to apply disciplinary procedures to inmates that engage in frivolous or

⁴¹⁰ Florida Senate, "Bill Analysis and Fiscal Impact Statement," March 13, 2013, <https://www.flsenate.gov/Session/Bill/2013/0112/Analyses/2013s0112.pre.cj.PDF>.

⁴¹¹ Chuck A. Ericksen and Anne Skove, "Courthouse Security: The Anti-Government Movement Today," National Center for State Courts - NSCS Library Collection, 2006, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/facilities/id/121>.

malicious filings. States considering incarceration for paper terrorists should concurrently enact comparable legislation, which is critical to the effectiveness of criminal penalties.

944.279 Disciplinary procedures applicable to prisoner for filing frivolous or malicious actions or bringing false information before court.

(1) At any time, and upon its own motion or on motion of a party, a court may conduct an inquiry into whether any action or appeal brought by a prisoner was brought in good faith. A prisoner who is found by a court to have brought a frivolous or malicious suit, action, claim, proceeding, or appeal in any court of this state or in any federal court, which is filed after June 30, 1996, or to have brought a frivolous or malicious collateral criminal proceeding, which is filed after September 30, 2004, or who knowingly or with reckless disregard for the truth brought false information or evidence before the court, is subject to disciplinary procedures pursuant to the rules of the Department of Corrections. The court shall issue a written finding and direct that a certified copy be forwarded to the appropriate institution or facility for disciplinary procedures pursuant to the rules of the department as provided in s. 944.09.

(2) This section does not apply to a criminal proceeding.

(3) For purposes of this section, “prisoner” means a person who is convicted of a crime and is incarcerated for that crime or who is being held in custody pending extradition or sentencing.⁴¹²

Inmates found in violation of this statute face reprimands that may include loss of personal property or canteen privileges; loss of visitation or phone privileges; loss of writing materials and mail privileges; extra duty assignments; room restrictions during free time hours; extra physical exercises; verbal counseling; and loss of previously earned incentive gain time (sentence reduction).⁴¹³ Adding time to an existing sentence or curbing inmate privileges may be the only recourse to behavior by individuals who have already received the most severe form of punishment allowable by law for their crimes—incarceration. Other states have found empowering the Department of Corrections to be effective. A Wisconsin inmate began experimenting with the sovereign citizen tactics

⁴¹² Florida Legislature, “Title XLVII - Criminal Procedure and Correction, Chapter 944 - State Correctional System,” accessed September 20, 2016, http://www.leg.state.fl.us/cgi-bin/View_Page.pl?File=privacy.html&Directory=welcome/&Location=app&Tab=info_center&Submenu=4.

⁴¹³ Florida Department of State, “Basic Training Program – Inmate Privileges and Restrictions,” Florida Administrative Code & Florida Administrative Register, accessed December 26, 2017, <https://www.flrules.org/>.

promoted in a \$22 document sold to prisoners known as *The Prison Packet*. This document promotes techniques for not only gaining freedom, but hundreds of thousands of dollars.⁴¹⁴ The individual was originally successful at convincing five fellow inmates to try the recommended tactics. His followers quickly retracted their paperwork after finding out that he was punished for associating with terrorist ideologies and placed in isolation.⁴¹⁵ Prisons are filled with willing recruits; if paper terrorism is criminalized, companion legislation authorizing additional forms of punishment by the Department of Corrections is essential.

3. Enact Vexatious Litigant Laws

Vexatious litigant laws and pre-filing injunctions are an important strategic tool against paper terrorists, especially those already incarcerated. State legislators could enact laws similar to the federal U.S. Code, which states:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.⁴¹⁶

Vexatious litigant laws codify sanctions that courts have always had the power to apply, such as rejecting indigent status, requiring licensed legal counsel, dismissing fraudulent pleadings, or awarding financial damages.⁴¹⁷ The lack of such a guideline has resulted in inconsistent application of these sanctions, and allowed litigants to continue their harassment of a target by simply filing in another court.⁴¹⁸ Enacting this type of legislation provides a remedy. Additionally, if criminal sanctions are authorized

⁴¹⁴ Sanchez, "Sovereign Citizens Movement Resurging."

⁴¹⁵ Sanchez.

⁴¹⁶ "28 U.S. Code § 1915.(g)," Legal Information Institute, accessed December 20, 2017, <https://www.law.cornell.edu/uscode/text/28/1915>.

⁴¹⁷ Neveils, "Florida's Vexatious Litigant Law," 356.

⁴¹⁸ Neveils, "Florida's Vexatious Litigant Law," 357.

comparable to Texas Penal Code §32.48, inclusion on a vexatious litigant list should be automatic for individuals convicted under that specific law.

It is important to track these individuals systematically, as they are likely to cause problems in the future.⁴¹⁹ Court clerks should regularly check this list, as known individuals may attempt filings in other jurisdictions to circumvent detection. For a vexatious litigant list to be truly effective there must be set policies and procedures in place to ensure that there are no delays in imposing the appropriate sanctions.⁴²⁰

4. Promote Training for Court Officials and Staff

One significant finding from the survey was the lack of awareness of available remedies, including existing legislation, by more than half the court respondents. New Jersey has been very proactive in educating the judiciary on how to handle encounters with sovereign citizens and serves as a model for best practices. The state has promoted awareness for judges and court staff with reference cards, brochures and training.

Judges, clerks of court, assistant district attorneys, defense attorneys, court security officers, and registrars of deeds need training to identify markers, behaviors and potential security threats of sovereign citizens. Familiarity with the tactics will help judges and attorneys maintain their composure when faced with the “outlandish, bizarre filings and arguments.”⁴²¹

5. Deliver Procedural Justice

Although the evidence shows that only a small number of sovereign citizens are violent, their actions have been unpredictable and deadly in a number of cases. They continue to adapt and evolve. In a 2012 *South Carolina Law Review* article, Michelle Theret writes, “Courts may have a tendency to disregard sovereign citizen arguments due

⁴¹⁹ “The Sovereign Citizen Movement: Conclusions and Recommendations,” Engaging Local Government Leaders, July 2015, <http://elgl.org/wp-content/uploads/2015/07/Sovereign-Citizens-Movement.pdf>.

⁴²⁰ Rawles, “California Vexatious Litigant Statute,” 310.

⁴²¹ Michelle Theret, “Sovereign Citizens: A Homegrown Terrorist Threat and Negative Impact on South Carolina,” *South Carolina Law Review* 63, no. 4 (2012): 885, <http://connection.ebscohost.com/c/articles/78093277/sovereign-citizens-homegrown-terrorist-threat-negative-impact-south-carolina>.

to their nature, creating a rift between the court and the litigant. A logical, mature discussion could help sovereign citizens realize the shortcomings of their arguments and prevent violence in the future.”⁴²² Judges and attorneys can engage in constructive dialogue with sovereign citizens once they understand the sense of disenfranchisement that led to adoption of the belief system in the first place. Compliance with court orders is more likely when defendants believe they have received procedural justice, whereby judges treat sovereign citizens fairly, with respect, and in an unbiased manner.⁴²³ Even though the litigant might not be happy with the court’s decision, feeling that the process was fair may incentivize them to accept the outcome.⁴²⁴ The hallmarks of procedural justice include the chance to be heard, an impartial judge, and respectful treatment.⁴²⁵ Individuals that are not firmly rooted in the movement might actually recognize the legitimacy of the courts if they believe they received fair treatment.⁴²⁶

6. Treat Sovereign Citizens Fairly but Firmly

Dealing with sovereign citizens is an exasperating experience, and can test the patience of most judges.⁴²⁷ After reviewing a series of unintelligible motions filed by a sovereign citizen, an Illinois federal judge commented, “I hesitate to rank your statements in order of just how bizarre they are.”⁴²⁸ Even though sovereign citizens are entitled to justice, the court should not tolerate disruptive behavior.⁴²⁹ Turning courtrooms into a political forum is another tactic that creates delays in case resolution. Judges trained in recognizing when they have a sovereign citizen in their courtroom can be firm and decisive

⁴²² Theret, “Sovereign Citizens: A Homegrown Terrorist Threat,” 885.

⁴²³ Loeser, “From Paper Terrorists to Cop Killers,” 1136.

⁴²⁴ Loeser, 1136.

⁴²⁵ Loeser, 1135.

⁴²⁶ Loeser, 1136.

⁴²⁷ Stauber, “Litigious Paranoia,” 23.

⁴²⁸ Erica Goode, “In Paper War, Flood of Liens is the Weapon,” *New York Times*, August 23, 2013, http://www.nytimes.com/2013/08/24/us/citizens-without-a-country-wage-battle-with-liens.html?pagewanted=all&_r=0.

⁴²⁹ Institute for Intergovernmental Research, “Encounters with Sovereign Citizens in the Judicial System,” 2014, <https://www.iir.com/Initiatives>.

when dealing with them.⁴³⁰ Sovereign citizens need constant reminders that disbelief in the law does not constitute a valid defense.⁴³¹ Although many sovereign citizens decline the assistance of an attorney and insist on acting as their own counsel, judges should consider terminating the right to self-representation if it appears the defendant is using that right to be disruptive and deliberately abuse the dignity of the court.⁴³² Established case law generally grants more latitude towards litigants who file pleadings without an attorney (pro se litigants); however, there are limits to what a court must allow.⁴³³ Justice demands adherence to procedural rules within a courtroom to ensure the integrity of the process.⁴³⁴ If the individual's conduct is too disruptive, the judge must be willing to impose contempt of court charges.⁴³⁵

Everyone responsible for court safety must have an understanding of this group and its tactics when formulating security policies.⁴³⁶ In addition to an emphasis on physical safety, training should include methods for protecting individual financial security. Specifically, staff should be encouraged to monitor their credit reports closely for false liens or other phony financial actions filed against them.

To prevent sovereign citizens from effectively using their tactics, all elements of the criminal justice system must be able to recognize paper terrorism. Kory Flowers and Rob Finch of the Greensboro, North Carolina Police Intelligence Squad developed a comprehensive training system. Flowers and Finch believe that it is insufficient to train only police officers on the recognition of sovereign behaviors; adequately protecting their county against paper terrorism demands training officials across many public agencies. Finch promotes a pre-emptive approach,

⁴³⁰ Jude Del Preore and General Info/Working Group, *Judge's Reference Card on Sovereign Citizens* (Burlington Vicinage, New Jersey Courts).

⁴³¹ Weir, "Sovereign Citizens," 853.

⁴³² Evans, "The Flesh and Blood Defense," 1384.

⁴³³ Melle, "Illogical Extremes," 574.

⁴³⁴ Melle, 574.

⁴³⁵ Institute for Intergovernmental Research, "Encounters with Sovereign Citizens."

⁴³⁶ Ericksen and Skove, "Courthouse Security," 27.

We are to the point now where if sovereigns decide they want to file a fraudulent lien against an officer or anybody in law enforcement or the criminal justice system or city government, or file a lawsuit, that information is brought to us immediately. In Guilford County, if a sovereign comes in the registrar of deeds' office to file any type of sovereign paperwork, whether it's a lien, lawsuit or an affidavit renouncing their citizenship, we will get that information typically within 20 or 25 minutes of that sovereign leaving the office. And that allows us to be preemptive with the liens and the lawsuits that they are trying to file against judicial officials, our patrol guys, or anybody in the criminal justice system, because then we can take that information to the district attorney's office [where it's decided] whether to prosecute, and we can bring it to the city attorneys and make sure they can [seek] summary judgments dismissing those lawsuits. So it's made the process quicker and it's allowed us to be proactive instead of being reactive to it.⁴³⁷

Legislative efforts are only effective if victims know what options are available. The survey results indicated that many court officials were not aware of the available remedies within their state; therefore, training should include the relevant statutes, rules, and enforcement mechanisms.

Training should include implementation of internal threat and incident reporting to ensure that all court staff, especially security officers, are aware of individuals exhibiting behaviors or engaging in filings that indicate the possibility of extremist beliefs. In *Steps to Best Practices for Court Building Security*, Hall et al. recommend, "Enacting a threat and incident reporting system enables stakeholders to review and develop responses to potential negative events and reinforces security best practices."⁴³⁸

7. Notify Local Fusion Center, Sheriff, or Police

As an emerging threat to Homeland Security, it is important to make sure local law enforcement is aware of sovereign citizens for their own safety, as well as for court

⁴³⁷ Heidi Beirich, "Two North Carolina Detectives Build Program for Dealing with 'Sovereign Citizens,'" Southern Poverty Law Center Intelligence Report 147 (Fall 2012), <http://www.splcenter.org/get-informed/intelligence-report/browse-allissues/2012/fall/dealing-with-sovereigns>.

⁴³⁸ Hall et al., "Steps to Best Practices for Court Building Security." National Center for State Courts—NCSC Library eCollection. February 2010, <http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/facilities/id/170/rec/6.3>.

security.⁴³⁹ If there is a local Fusion Center, court administration should establish a relationship with a liaison for reporting purposes; if not, local sheriffs or police departments should be notified and given as much identifying information on these individuals as is available. Establishing this reporting relationship serves a mutually beneficial purpose. First, local law enforcement or Fusion Centers may have information on sovereign citizens that can assist court security staff in determining if a specific individual is a potential threat to the safety of the court. Conversely, the court may alert law enforcement to individuals who subscribe to sovereign citizen beliefs and may pose threats to officers, particularly during traffic stops. Connecting with agencies that track sovereign citizens is beneficial to both courts and law enforcement by ensuring the appropriate response to the level of threat.⁴⁴⁰ Determining if a sovereign citizen is on the Terrorist Screening Center's Database of known or suspected terrorists will help gauge risk, if any.⁴⁴¹

Sharing information is not without controversy, even between law enforcement agencies. In 2014, the Berkeley City Council expressed concerns that a mutual aid agreement between local police and the Northern California Regional Intelligence Center (NCRIC) might violate individual's First Amendment rights.⁴⁴² A February 2014 traffic stop triggered the Council discussion. Although it was a routine traffic violation resulting in a citation, the police submitted a Suspicious Activity Report (SAR) to NCRIC due to displays of sovereign citizen ideology by the offender. In addition to common sovereign citizen language, the individual presented a defaced driver's license.⁴⁴³ A minority of the Council contended that police violated their own policies by submitting a SAR for non-criminal behavior. Councilman Jesse Arreguin argued, "Whether you're a white

⁴³⁹ Michael Welch, "Officer Safety: A Strategy for Local Law Enforcement Encountering the Sovereign Citizen Movement," Naval Postgraduate School Homeland Security Digital Library, accessed October 31, 2016, <https://www.hsdl.org/?view&did=790921>.

⁴⁴⁰ Dean C. Alexander, "The Sovereign Citizen Movement Threats and Responses," *Security Magazine*, June 1, 2016, <https://www.securitymagazine.com/articles/87159-the-sovereign-citizen-movement-threats-and-responses>.

⁴⁴¹ Alexander.

⁴⁴² Judith Scherr, "Berkeley Mutual Aid Agreement Draws Debate," *Contra Costa Times*, October 14, 2014, http://www.contracostatimes.com/west-county-times/ci_26823937/berkeley-mutual-aid-agreement-draws-debate.

⁴⁴³ Scherr, "Berkeley Mutual Aid Agreement."

supremacist or a political radical or an anarchist, those are views that are constitutionally protected.”⁴⁴⁴ The majority bloc of council members who voted in favor of the agreement expressed similar concerns about the dangers of linking free speech to a SAR, and added additional steps to examine the reporting requirements to ensure First Amendment protections.⁴⁴⁵ Although Councilman Laurie Capitelli echoed many of the same concerns about free speech before voting in favor of the measure, he noted, “I find it abhorrent the number of police officers who have been killed the last year.”⁴⁴⁶

Adoption of this recommendation is even more sensitive for the judicial system due to the courts’ role as the protectors of constitutional rights. Staff must be appropriately trained in SAR procedures, and an appropriate internal review should be conducted before submitting information to law enforcement. It should be noted that a SAR is just a tip, and does not initiate a criminal case filing.⁴⁴⁷ This two-way communication is beneficial to both officer safety and court security.

8. Use Self-Help Websites to Provide Legal Assistance

Not everyone who submits a sovereign citizen type of filing is a true adherent of the anti-government philosophy. Authorities acknowledge that the Internet is a primary tool for promoting the ideology.⁴⁴⁸ Some individuals have stumbled on sovereign websites while seeking relief from legal or financial problems; they mistakenly believe that the verbose documents are a legitimate solution. To counter this message, state court systems can use the Internet and self-help websites to assist proactively those with genuine legal problems. Providing legitimate legal assistance may steer those seeking help away from sovereign citizen websites or seminars. This measure would reduce the number of suspected extremists and allow courts to focus their resources on those that may pose an actual threat.

⁴⁴⁴ Scherr.

⁴⁴⁵ Scherr.

⁴⁴⁶ Scherr.

⁴⁴⁷ Mead, “Sovereign Citizens—the Growing Movement.”

⁴⁴⁸ Southern Poverty Law Center, “Sovereign Citizens Movement.”

9. Develop Counter-Narrative on Internet

Perry and Scrivens performed analysis on Canadian hate group websites, and observed that the Internet is an effective means of communication to “close the social and spatial distance” and “sustain a collective identity across the movement.”⁴⁴⁹ They further noted that websites and social media connect domestic groups and their international counterparts via an “exchange of information and rhetoric,” and allow “unprecedented opportunities for recruitment.”⁴⁵⁰ Certain types of financial and legal problems attract many to sovereign websites; a counter-narrative could be developed and promoted on the Internet and through social media offering legitimate online support to these individuals. European countries, for example, are investing heavily in developing online initiatives to counter right-wing extremism.⁴⁵¹ Germany and Sweden have used programs known as EXIT to counter the beliefs and behaviors of individual extremists.⁴⁵² This specific strategy is intended to disintegrate the movement, and offer a way out for individuals.⁴⁵³

An online counter-narrative is a complex, long-term strategy that would require coordination with homeland security agencies. There are a number of international examples that provide guidance for developing such an initiative. The *Institute for Strategic Dialogue* provides a handbook for developing a successful counter-narrative; many of the recommendations target young people to “deconstruct, de-legitimize, and de-mystify extremist propaganda.”⁴⁵⁴ Another global organization that focuses on preventing the recruitment of youth by terrorist organizations is the *Against Violent Extremism* (AVE) network. AVE was founded by former terrorists and survivors of violent attacks who use

⁴⁴⁹ Perry and Scrivens, “Uneasy Alliances,” 827.

⁴⁵⁰ Perry and Scrivens, 827.

⁴⁵¹ Perry and Scrivens, 835.

⁴⁵² Perry and Scrivens, 835.

⁴⁵³ Perry and Scrivens, 835.

⁴⁵⁴ Vidha Ramalingam, “On the Front Line: A Guide to Countering Far-right Extremism,” *Institute for Strategic Dialogue*, 2014, http://www.isdglobal.org/On_The_Front_Line_Far_RightHANDBOOK.pdf, 33.

their experiences to discourage vulnerable individuals from involvement with extremist groups.⁴⁵⁵

10. Perform Competency Evaluations

Although research indicates that sovereign citizens may have a paranoid worldview and an underlying mental illness, very few studies indicate they are incompetent to stand trial.⁴⁵⁶ Attorneys may make recommendations to the court to send a sovereign citizen for a competency evaluation. Psychiatrists unfamiliar with the ideology may initially diagnose an individual as delusional due to their lack of conformance to cultural norms; however, without an underlying mental illness, the sovereign is probably competent to stand trial.⁴⁵⁷ Courts will have to make competency referrals on a case-by-case basis.⁴⁵⁸

11. Connect to Social Services or Financial Counseling

In spite of the overall mistrust of government agents that afflicts many sovereign citizens, attempts to connect an individual with social service providers and/or counseling services may be a viable alternative in some cases. Historical analysis of the movement's origins demonstrated that some form of financial or emotional distress is frequently the initial basis for the adoption of sovereign citizen beliefs.⁴⁵⁹ During economic downturns, governmental safety nets can steer people away from sovereign citizen solutions.⁴⁶⁰ Curbing the behavior may be as simple as linking the individual to the appropriate assistance.

⁴⁵⁵ "About Against Violent Extremism," Against Violent Extremism, accessed March 5, 2018, <http://www.againstviolentextremism.org/about>.

⁴⁵⁶ Melissa L. Shearer and Christina M. Koenig, "Representing the Sovereign Citizen," *Voice for the Defense Online*, March 12, 2014, <http://www.voiceforthedefenseonline.com/print/1868>.

⁴⁵⁷ Shearer and Koenig.

⁴⁵⁸ See, for example pp. 51–52.

⁴⁵⁹ See, for example, pp. 6, 9, 22, 24 and 33.

⁴⁶⁰ Loeser, "The Sovereign Citizen Threat," 1137.

B. CONCLUSION

Preventing paper terrorism, and punishing the individuals who engage in the practice, is a complex problem. Much of the existing legislation is so new that it is difficult to measure its effectiveness. Future research could include examination of the case filings in each state under the relevant statutes to see how frequently the laws are applied. The number of filings could be indicative of one of two things; either the problem is not as severe as portrayed, or the available remedies are not being utilized due to lack of knowledge that they exist.

Expanding the survey to include the entire NACM database would include members from Canada, Australia and New Zealand. Because the sovereign citizen ideology is expanding to other English-speaking countries and beyond, it could be useful to gain perspective on how others are handling the problems. Sharing information both nationwide and internationally can shine a light on both the problem and potential solutions.

Terrorists adapt to a changing environment, therefore, no single solution is the answer. Although the evidence shows that only a small number of sovereign citizens are violent, their actions have been unpredictable and deadly in a number of cases. Individuals might respond with greater levels of violence if their original intent becomes so costly that it is no longer feasible. Education, training, information sharing, and escalating levels of penalties are the best approaches to countering this threat. To ensure the safety and security of all those seeking justice, courts must be as adaptable as the paper terrorists that attack the system.

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APPENDIX A. IRB APPROVAL



Naval Postgraduate School
Human Research Protection
Program

25 July 2017

From: Chair, Institutional Review Board (IRB)
To: Dr. Carolyn Halladay, Center for Homeland Defense and
Security (CHDS)
Ms. Terri March, Center for Homeland Defense and Security
(CHDS)
Subj : PAPER TERRORISM: IS LEGISLATION THE SOLUTION?
Encl: (1) NPS.2017.0057-IR-EM2-A

1. The NPS IRB is pleased to inform you that your initial review protocol has been determined to meet exemption category 2 in accordance with 32 CFR 219.101(b). The exempt protocol is found in enclosure (1).
2. Any proposed changes must be reviewed and approved by the IRB prior to implementation except where necessary to eliminate apparent immediate hazards to research participants and subjects.
3. There is no requirement to obtain informed consent, but you are encouraged to follow best practices. If you choose to collect informed consent templates can be found on the IRB website at <https://my.nps.edu/web/research/irb-forms>.
4. You are required to report to the IRB any unanticipated problems or serious adverse events to the NPS IRB within 24 hours of the occurrence.
5. As the Principal Investigator (PI) it is your responsibility to ensure that the research and the actions of all project personnel involved in conducting this study will conform with the IRB approved protocol and IRB requirements/policies.

Lawrence G.

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APPENDIX B. SURVEY RECRUITMENT EMAIL

From: Terri March
Sent: Tuesday, August 22, 2017 5:23 PM
To: DISTRIBUTION LIST
Subject: Sovereign Citizens and Paper Terrorism

Greetings,

My name is Terri March. I am the Court Administrator for the North Las Vegas Justice Court in Nevada; a Fellow of the Institute for Court Management; and a member of the National Association for Court Management (NACM). I am currently pursuing a Master's Degree in Homeland Defense and Security at the Naval Postgraduate School (NPS) in Monterey, California.

As a fellow NACM member, you are being asked to participate in a research study that is being conducted by NPS for my thesis entitled "Weapons of Mass Distraction: Strategies for Countering the Paper Terrorism of Sovereign Citizens." The purpose of the research is to determine if legislative efforts have been effective at curbing the "paper terrorism" engaged in by sovereign citizens, or if there have been unintended consequences.

The research involves completion of an on line survey that should take approximately 20 minutes.

Participation is voluntary.

If you would like to participate, please follow the link below to complete the on line survey.

<https://survey.nps.edu/643346/lang-en>

I will send you a follow-up message in two weeks.

If you do not want to participate, please send me a reply e-mail saying "No Thanks."

Thank you for your time,

Terrí A. March

Court Administrator
North Las Vegas Justice Court
2428 N Martin L King Blvd, North Las Vegas, NV 89032

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APPENDIX C. FOLLOW-UP EMAIL

From: Terri March
To: Distribution
Subject: FW: Sovereign Citizens and Paper Terrorism
Date: Tuesday, September 05, 2017 4:25:00 PM

Greetings,

This is a follow-up to the email that I sent 2 weeks ago. If you have already participated in this survey, thank you! If you have time, I would really appreciate your participation - - even if you have not had any experiences with sovereign citizens or paper terrorism, that is valid information. Please follow this link if you would like to respond:

<https://survey.nps.edu/643346/lang-en>

Thank you,

Terrí A. March

Court Administrator
North Las Vegas Justice Court
2428 N Martin L King Blvd, North Las Vegas, NV 89032

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