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SOVEREIGN CITIZEN MOVEMENT: AN EMPIRICAL STUDY ON THE RISE IN ACTIVITY, EXPLANATIONS OF GROWTH, AND POLICY PRESCRIPTIONS

by

Brian S. Slater

September 2016

Thesis Advisor:	Carolyn Halladay
Second Reader:	Tristan Mabry

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The United States faces a domestic threat that is largely ignored by counterterrorism practitioners and policy: the Sovereign Citizens Movement. The adherents of this antigovernment movement have committed violent, even terroristic, acts and employed paper terrorism tactics. The group clogs courts and harasses government officials, but a paucity of hard data on the Sovereigns has stymied any concerted or unified response. Law enforcement officials have yet to determine how many Sovereigns are active in the United States, where they are concentrated, or whether the movement is gaining adherents.

This thesis addresses the dearth of information on the Sovereign Citizens Movement. It relies on both quantitative and qualitative research, providing a detailed analysis of 548 court cases. The assessment of the group's targets, related court vulnerabilities, and relevant statewide statistics can be harnessed into quality policy decisions. This work proves the increasing trend in Sovereign Citizen activities, exposes the gaps in the present literature and domestic terrorism policy, and provides recommendations for prescriptive policy changes across the spectrum of agencies responsible for countering domestic terrorist threats.

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Brian S. Slater
Captain, United States Air Force
B.S., Columbia Southern University, 2009

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September 2016

Approved by: Carolyn Halladay
Thesis Advisor

Tristan Mabry
Second Reader

Mohammed Hafez
Chair, Department of National Security Affairs

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ABSTRACT

The United States faces a domestic threat that is largely ignored by counterterrorism practitioners and policy: the Sovereign Citizens Movement. The adherents of this antigovernment movement have committed violent, even terroristic, acts and employed paper terrorism tactics. The group clogs courts and harasses government officials, but a paucity of hard data on the Sovereigns has stymied any concerted or unified response. Law enforcement officials have yet to determine how many Sovereigns are active in the United States, where they are concentrated, or whether the movement is gaining adherents.

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LIST OF ACRONYMS AND ABBREVIATIONS

ADL	Anti-Defamation League
DHS	Department of Homeland Security
DHS I&A	DHS Intelligence and Analysis division
DOJ	Department of Justice
DTEC	Domestic Terrorism Executive Committee
FBI	Federal Bureau of Investigation
IRTPA	Intelligence Reform and Terrorism Prevention Act
IRS	Internal Revenue Service
ODNI	Office of the Director of National Intelligence
SPLC	Southern Poverty Law Center
START	National Consortium for the Study of Terrorism and Response to Terrorism
USDC	United States District Court
USVI	U.S. Virgin Islands

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I. INTRODUCTION

In February 2010, James M. Tesi—now James-Michael: Tesi El of the Moorish National Republic—was pulled over in Arlington, Texas, during a routine traffic stop for not wearing his seat belt. This seemingly benign violation marked the first recorded encounter between the Sovereign Citizen James-Michael: Tesi El and law enforcement.

In traffic court, Tesi asserted that the government is illegitimate and holds no jurisdiction over his life—typical Sovereign Citizen rhetoric—and refused to pay the fine for the seat belt citation. Later, in December 2010, Tesi was pulled over for speeding and subsequently arrested, as a warrant had been issued for the unpaid seat belt infraction fees. Further disputes by Tesi over his "sovereign freedom to travel" resulted in the issuance of yet another warrant by the Colleyville, Texas, courts.

On Thursday, 7 July 2011, at 11:00 a.m., in a Colleyville, Texas, suburban neighborhood, Tesi was driving home when he was spotted by local police. The police officer attempted to pull over Tesi, a warrant apprehension for his failure to pay the traffic fines. Tesi pulled into his driveway and got out of his car. The officer also pulled up in front of Tesi's home, exited his vehicle, and began walking toward Tesi, when he was met by the front sight of Tesi's gun barrel and a hail of gunfire. The officer returned fire, wounding Tesi in the face and foot but escaping death and serious injury.[1]

The officer, a 26-year veteran of the force, might have adopted a different tactic when approaching Tesi had he known of Tesi's Sovereign affiliation. What warning did the officer receive regarding the intent or history of James-Michael: Tesi El, and his past antigovernment activity? None at all.

In a perhaps surprisingly similar vein, in April 2015, inmate Shawn Pass filed a petition with the U.S. District Court (USDC) of the Southern District of Ohio in an attempt to expunge his record and subsequently grant him freedom from incarceration. In

[1] Robert Steinbeck, "Sovereign Citizen Shot in Exchange of Gunfire with Texas Cop," Southern Poverty Law Center, July 22, 2011, https://www.splcenter.org/hatewatch/2011/07/22/%E2%80%98sovereign-citizen%E2%80%99-shot-exchange-gunfire-texas-cop.

the case review, Justice Kemp quoted Pass' petition and surmised that Pass sought to have "all of the records of this case be impeached, to be null and void, ab initio, with prejudice for lack of *personam-jurisdiction*, lack of subject-matter jurisdiction and lack of standing."[2] Eight years before filing the petition, Pass had been convicted on three counts of criminal acts: conspiracy to distribute controlled substances, fraud, and money laundering. None of the previous counts involved Sovereign Citizen activity, yet after eight years of incarceration, Pass learned of a new tactic to pursue his clemency—appeal a sentence or marred record by attacking the jurisdiction of the court. Initiatives such as Pass' have become a centerpiece tactic employed by those engulfed in the Sovereign Citizen ideology. Pass' petition was denied, his sentence was not remanded, and no relief was given; however, the Department of Corrections spent costly hours reviewing and handling the inmate's frivolous petition.[3]

The USDC of the Southern District of Ohio spent valuable time and attention reviewing, contemplating, and then writing legal responses to deny Pass' attempt at clemency. Instead of spending time on relevant cases, the various rungs of the Department of Justice (DOJ), from the mail-handling clerks to multiple justices reviewing the Sovereign Citizen filings, are all now caught in a quagmire of recreational litigants of the Sovereign Citizen variety.

Unfortunately, James-Michael: Tesi El's violent police encounter is not unique. Shawn Pass' frivolous petition is not isolated. Moreover, the collection of similar circumstances is not in decline. Instead, the rate of incidents is climbing.

Over the past decade, the occurrence of Sovereign Citizen activity has surged, yet federal, state, and local agencies are not universally informed nor equipped to counter the threat.[4] Present domestic terrorism policy focuses on applying the available tools and tactics for combatting foreign-born enemies on American soil, mostly radical Islamic terrorists, as evident by a review of the top most-wanted list of any federal agency. Of the

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[2] United States v. Pass, Appx. 832 413 Fed. (6th Cir. Ohio 2011).

[3] Ibid.

[4] Mark Potok, "The 'Patriot' Movement Explodes," Southern Poverty Law Center, March 1, 2012, https://www.splcenter.org/fighting-hate/intelligence-report/2012/patriot-movement-explodes.

14 names and faces that the Federal Bureau of Investigation (FBI) currently lists as most-wanted domestic terrorists, only two are accused of activity within the 21st century, while the remaining 12 names are from cold war era incidents of communism, hijackings occurring during the 1980s, and central American plots.[5] Based on my investigation of Sovereign Citizen appeals, as well as the available open source reporting, this thesis suggests that Sovereign-related incidents may number into the thousands.

Sovereign Citizens have a real effect on American life. Police officers, court staff, and various other public officials are financially threatened and violently attacked at alarming rates. One study documents more than 140 cases of violent incidents in the past 15 years related to antigovernment and Sovereign Citizen ideologies.[6] In accordance with federal law, Title 18 U.S. Code § 233, the Sovereigns and Americans who subscribe to such violent ambitions qualify as domestic terrorists, not just criminals or fringe citizens, yet the necessary policy and actions to counter such a threat of terrorist plots simply has not entered the official conversations nor legislation.[7]

I have proven, empirically that the Sovereign Citizen Movement has increased in frequency over the past ten years. Furthermore, I posit that conditions present in the U.S. political discourse have ripened the necessary antecedents for growing antigovernment movements. Such movements, whose followers have turned to violence and activity aimed at terrorizing a population, have earned the domestic terrorist moniker—and rightfully so. Still, current U.S. domestic terrorism and domestic intelligence policy do not provide the necessary focus to combat the non-Islamic American domestic terrorist. No organized government response exists to counter the systemic rise in incidents motivated by non-Islamic, domestic terrorists. Those responsible for addressing the issue assimilate their knowledge based on assumptions and observations, but the relevant

---

[5] FBI, "Most Wanted Terrorists: Domestic Terrorism," accessed February 29, 2016, https://www.fbi.gov/wanted/dt.

[6] JJ MacNab, "Anti-Government Extremist Violence and Plots," JJMac, February 17, 2016, http://www.seditionists.com/antigovviolence.pdf.

[7] Legal Information Institute, "18 U.S. Code § 2331 - Definitions," accessed July 12, 2016, https://www.law.cornell.edu/uscode/text/18/2331.

literature, policy, and practices are not grounded in solid data. This thesis provides both a measure of solid data and a method of acquiring the long-needed insight.

A. RISING TREND PROVEN

One will not find, within the available literature, extensive research or reporting from any government entity on the matter. The DOJ has the only governmental foundation for research, beginning with the FBI encounters with antigovernment extremists of the 1990s. The FBI and the rest of the DOJ maintain small articles and a brief descriptive web page detailing the existence of the movement as well as detailed after action reports of major encounters such as the Waco, Texas, and Ruby Ridge, Idaho, incidents.[8] The Department of Homeland Security (DHS) rescinded previous releases pertaining to Sovereigns due to political backlash, more on this in Chapter 4.[9]

Civilian scholars and non-profit organizations have been toiling in the trenches and keeping records of Sovereign encounters. The Southern Poverty Law Center (SPLC) and the Anti-Defamation League (ADL) have written on the topic, but only in a limited capacity, as they are both attempting to monitor groups espousing antigovernment, racist, and other domestic extremists.[10]

Media reports on Sovereign Citizen actions are limited to the sensational. For example, Sovereign Citizen and Moorish follower Gavin Long made news in July 2016, albeit briefly, after engaging in a rampage shooting of Baton Rouge police officers, but the story fizzled after only a few short days, perhaps because Gavin Long was also black

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[8] FBI, "Domestic Terrorism: The Sovereign Citizen Movement," April 13, 2010, https://www.fbi.gov/news/stories/2010/april/sovereigncitizens_041310/domestic-terrorism-the-sovereign-citizen-movement; Department of Justice, "Report to the Deputy Attorney General on the Events at Waco, Texas February 28 to April 19, 1993" (Washington, DC.: U.S. Department of Justice, September 15, 2014), https://www.justice.gov/publications/waco/report-deputy-attorney-general-events-waco-texas-chronology-february-28-april-19-1993.

[9] Daryl Johnson, *Right Wing Resurgence: How a Domestic Terrorist Threat Is Being Ignored* (Lanham, MD: Rowman & Littlefield Publishers, 2012).

[10] Southern Poverty Law Center, "SPLC Home Page," accessed July 12, 2016, https://www.splcenter.org/.

and a U.S. Army veteran and did not fit into the terrorist mold the media expected.[11] Generally speaking, however, no regular reporting illuminates the Sovereigns, their numbers, or their tactics.

Without a robust study into the sheer volume of Sovereign Citizen-related occurrences, federal, state, local, and tribal agencies countering domestic terrorism likely cannot mount a meaningful response—and Americans will remain at risk. This study mines and then reveals relevant data. By closing the gap in official studies, my intent is to influence policies that could increase the attention and resources necessary to counter the rising movement. No other such painstaking empirical analysis exists to date.

Specifically, in this project, I examined 548 cases from all federal and state courts available within the Lexis database, to include all federal circuit courts, U.S. District Courts, State Court of Appeals, U.S. Tax Court, U.S. Bankruptcy Court, U.S. Court of Federal Claims, and several unique State Appellate Courts, such as the Pennsylvania Common Wealth Court. Most cases were appeals, but some were actions initiated by Sovereigns against varying targets. Reaching back 10 years at the time of the data pull, which occurred on April 13, 2016, the results reflect a striking increase in Sovereign activity in the past decade. From 2008 through 2015, the number of Sovereign Citizen related cases faced by our nation's courts has steadily increased. Since the data was pulled in April of 2016, Figure 1 below presents a nationwide statistical analysis, reflecting the total number of cases per year as depicted by the date on my search.

[11] Matt Zapotosky, "What We Know About the Shooter in Baton Rouge," *Washington Post*, July 18, 2016, https://www.washingtonpost.com/news/post-nation/wp/2016/07/17/what-we-know-about-the-suspected-shooter-in-baton-route/.

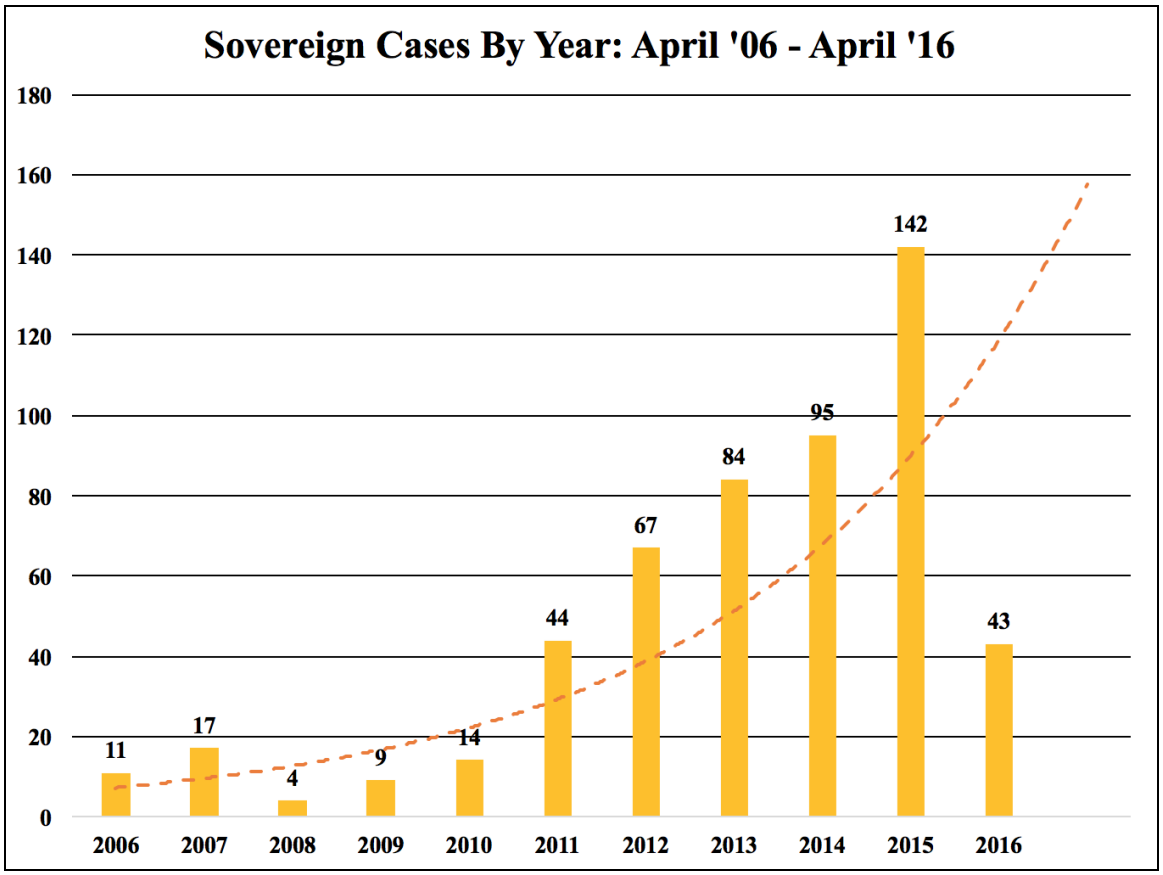

Chart reflects the total number of cases studied (548) and plots them along their respective 10-year span of the study. The dashed line indicates the trend line.

Figure 1. Sovereign Citizen Cases by Year, April 2006–April 2016

The figure for 2016 only reflects the first 103 days of the year—and 43 cases had already been logged. The dashed line embedded in the chart reflects the trend line, which extends upward past 2016. If the movement remains unchecked, we can expect to see more incidents such as those recounted in the opening lines of this chapter. As Chapter II explains, the study was constrained by both time and database access; thus, these numbers likely are only the tip of the iceberg.

During the research, it became necessary to track how many of the cases involved individuals who sought self-representation as well as those who sought fee waivers.[12] While benign at first, the self-representation and fee waiver status serve a tactical purpose

[12] Legal Information Institute, "Rule 24. Proceeding in Forma Pauperis," November 30, 2011, https://www.law.cornell.edu/rules/frap/rule_24.

in their paper terrorism objectives. Moreover, the study was able to uncover that the body of characters has outgrown the traditional base of the movement's white-male, Christian, Patriot-militia past. The consortium of characters now includes Black, Mexican, Moorish, Asian, as well as other ethnicities among their ranks. Because multiple demographics exist, the term Sovereign is used as an adjective throughout the research to describe general aspects of the movement.

B. BACKGROUND

Scholars, journalists, and government agencies have provided historical accounts and theoretical explanations of where Sovereign Citizens come from and why they engage in their antigovernment actions. In contrast, prescriptions for an organized response, provided mostly by scholars and journalists, do not provide the same level of definitive power. Most agree that the government should do more, but not what exactly. More cops? More policy? Perhaps what is necessary is balanced policy instead. The weakness in prior prescriptions owes primarily to the lack of understanding of the Sovereign Citizen movement as well as the political nature of the problem. Sovereigns live on the same political continuum as mainstream Americans. Their ideology and history are rooted in an American persona, not some radically different world view. Moreover, the documented histories of the movement are isolated to a time that no longer applies to our current political culture or counterterrorism worldview, yet the basic understandings of social movements persist.

1. IDEOLOGY

A short discussion on Sovereign Citizen ideology is necessary to frame the conversation. As the SLPC notes, Sovereigns truly believe that the current government is illegitimate, because, as they claim, at some point in the past 200 years the government transitioned from its original form to that of a corporation under admiralty law, which governs commerce not persons. Furthermore, due to the illegitimacy, once an individual declares himself or herself sovereign, he or she is no longer bound by the corrupt system. Thus, they believe that they do not have to follow the laws or guidelines restricting U.S.

citizens.[13] Some Sovereigns stop paying taxes, some refuse to register a vehicle or carry a driver's license, others are willing to commit acts of revenge against officials who the Sovereign believes has infringed on their god given rights. Acts range from the violent to the harassing, but in all cases are aimed at intimidating and threatening a population through threat of violence and great personal loss.[14]

As the lead agency for countering domestic terrorism within U.S. borders, the FBI has little more than a broad description of the movement:

> Sovereign citizens are anti-government extremists who believe that even though they physically reside in this country, they are separate or "sovereign" from the United States. As a result, they believe they don't have to answer to any government authority, including courts, taxing entities, motor vehicle departments, or law enforcement. This causes all kinds of problems—and crimes. For example, many Sovereign Citizens don't pay their taxes. They hold illegal courts that issue warrants for judges and police officers. They clog up the court system with frivolous lawsuits and liens against public officials to harass them. And they use fake money orders, personal checks, and the like at government agencies, banks, and businesses. That's just the beginning. Not every action taken in the name of the Sovereign Citizen ideology is a crime, but the list of illegal actions committed by these groups, cells, and individuals is extensive (and puts them squarely on our radar). In addition to the above, Sovereign Citizens: commit murder and physical assault; threaten judges, law enforcement professionals, and government personnel; impersonate police officers and diplomats; use fake currency, passports, license plates, and driver's licenses; and engineer various white-collar scams, including mortgage fraud and so-called "redemption" schemes.
>
> Sovereign citizens are often confused with extremists from the militia movement. But while Sovereign Citizens sometimes use or buy illegal weapons, guns are secondary to their anti-government, anti-tax beliefs. On the other hand, guns and paramilitary training are paramount to militia groups.[15]

The last segment of the FBI's Sovereign Citizen description gives reason for concern and demonstrates the lack of study in the field. A fixation on weapons does not

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[13] Southern Poverty Law Center, "Sovereign Citizens and Law Enforcement," YouTube video, 12:24. November 1, 2010. https://www.youtube.com/watch?feature=player_embedded&v=d_y-gLm9Hrw.

[14] "Sovereign Citizens Movement," Southern Poverty Law Center, accessed July 12, 2016, https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement.

[15] FBI, "Domestic Terrorism: The Sovereign Citizen Movement."

make someone a terrorist or militia member, nor does the lack of a fixation on weapons prevent someone from becoming a terrorist. Moreover, as is discussed below, the tactics employed by Sovereign Citizens today were born from the militia movements. To claim that they are not related demonstrates a clear gap in research regarding the Sovereigns.

In addition to the Patriot Militia Sovereign past, a parallel but different ideology employs the very same tactics against the very same targets, the Moorish Movement. The SPLC defines the Moorish Movement as:

> Increasing numbers of black Americans have melded [the Sovereign Citizen movement] with selective interpretations of the teachings of [the] Noble Drew Ali, who founded the exclusively black Moorish Science Temple of America (MSTA) almost 100 years ago… Noble Drew Ali taught that black "Moors" were America's original inhabitants and are therefore entitled to self-governing, nation-within-a-nation status. Today, black nationalists who see themselves as Moors…believe they have key rights that pre-date by eons the present government…Central to their thesis is a rejection of the 14th Amendment, claiming it merely created a set of "artificial persons…Black, Negro, Coloreds and African-Americans are not living people; these 'tags' are politically and lawfully 'brands'…put upon the Aboriginal Indigenous Moors of Morocco." They refer instead to actual treaties made between the United States and Morocco…in the late 18th century, which described a category of "Free Moor," who could not be enslaved or subjected to U.S. law, even as other Africans were being packed into ships and sent to the New World as chattel.[16]

A case in point is the April 2016 stand-off between the Citizens of the Constitution, led by Ammon Bundy, and the FBI at the Malhuer Wildlife Refuge in Oregon during a protest over what they believed to corrupt government practices and the wrongful sentencing of two Oregon ranchers.[17] The Bundy family had a long history of resisting government "overreach," such as his father's 2014 Nevada protest and

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[16] Nelson, Leah, "'Sovereigns' in Black," Southern Poverty Law Center, August 24, 2011, https://www.splcenter.org/fighting-hate/intelligence-report/2011/%E2%80%98sovereigns%E2%80%99-black.

[17] Beth Anne Steele, "Joint Statement by the FBI and Oregon State Police on Law Enforcement Activity Near Burns, Oregon," FBI, January 26, 2016, https://www.fbi.gov/portland/press-releases/2016/joint-statement-by-the-fbi-and-oregon-state-police-on-law-enforcement-activity-near-burns-oregon.

subsequent standoff with the Bureau of Land Management.[18] Others involved in the 2016 Oregon protest ranged from those seeking political activism over the issue at large, but many others, including heavily armed Sovereign Citizens and interstate militia groups, supported the antigovernment stand taken by the Citizens of the Constitution.[19]

2. HISTORY

Historical accounts unanimously direct researchers of Sovereign Citizens to the previous antigovernment Patriot and militia movements from the 1980s and 1990s. Journalist David Neiwert has written extensively on the connections of white supremacy and Christian Identity as well as a chronological account of significant militia events in the 1990s via first-hand interviews with militia leaders.[20] Typical Patriot behavior during this period included stockpiling weapons and ammunition; generating funds through bogus liens, fake bonds, and fraudulent tax filings; as well as preparation for an inevitable standoff with the government. Patriots stand as the predecessors to the Sovereign Citizen movement.

Dr. Lane Crothers tells the same story, but also begins to uncover the linkage between specific Patriots antigovernment beliefs and the Sovereign Citizen beliefs, where as "anything that these Sovereign Citizens decide is inappropriate is, ipso facto, wrong, unconstitutional, and corrupt—an assault on the fundamental values of the nation."[21] In 2003, Crothers described Sovereigns as "white males whose forebears created the Constitution and who therefore enjoy special rights in the political system."[22] A

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[18] Ryan Lenz and Mark Potok, "War in the West: The Bundy Ranch Standoff and the American Radical Right," Southern Poverty Law Center, July 9, 2014, https://www.splcenter.org/20140709/war-west-bundy-ranch-standoff-and-american-radical-right.

[19] Kelly House, "Arrival of Rifle-Toting Patriots Breaks Relative Calm at Oregon Standoff Compound," *Oregon Live*, January 10, 2016, http://www.oregonlive.com/pacific-northwest-news/index.ssf/2016/01/arrival_of_rifle-toting_patrio.html.

[20] David A. Neiwert, In God's Country: The Patriot Movement and the Pacific Northwest (Washington: Washington State University Press, 1999); David A. Neiwert, The Eliminationists: How Hate Talk Radicalized the American Right (Sausalito, CA: PoiPointPress, LLC, 2009); David A. Neiwert, "Ash on the Sills: The Significance of the Patriot Movement in America," Montana Law Review 58, no. 1 Winter 1997 (January 1, 1997): 26.

[21] Lane Crothers, *Rage on the Right: The American Militia Movement from Ruby Ridge to Homeland Security* (Maryland: Rowan & Littlefield, 2003). 60-61.

[22] Ibid. 72.

contemporary view of Sovereigns now counters Crothers' description. Tactics born of white supremacy and Patriot or militia roots are now in use by not only the Moorish Movement, and Black Separatist groups,[23] but also Latino groups[24] as well as other demographics.

Interestingly, many historical accounts follow a consistent theme that begins with a fuel source, a spark, an explosion, and the smoldering embers left behind—with the fire never entirely extinguished. Antigovernment sentiment, a perceived grievance, low-level incidents, major events, and the aftermath of legal encounters or violence accompany the pyrotechnic framework of the readings. Undercover civilian informants, such as Dale and Connie Jakes, reinforce the external observations with their firsthand reports during their infiltration of the Montana Freemen with the FBI in the 1990s.[25] The couple had previously assisted law enforcement and had decided to assist the FBI after witnessing first had the antigovernment and criminal activity conducted by the Montana Freemen. During their undercover life, Dale narrates an encounter where a team of Freemen were producing fictitious financial documents and building a countrywide communications network in preparation for a final standoff. The financial tactics described during their encounter, include bogus tax liens, fake bonds and promissory notes, all of which are in the paper-terrorism arsenal of the Sovereign Citizen movement.[26]

Literature regarding the Moorish Movement is even harder to find than that of the traditionally white Sovereign Citizen Movement. Though the Moorish Science Temple of America claims over 100 years of activity, the antigovernment targeting activity has only spiked in recent decades. The Moorish variety of Sovereign Citizens has begun to refine

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[23] Nelson, Leah, "Sovereigns in Black."

[24] Department of Justice, "Final Defendants in Quarter Billion Dollar 'Old Quest' Tax Refund Scam Plead Guilty to Defrauding Internal Revenue Service with Recent Pleas, 53 Linked to Massive Scheme Have Been Convicted," September 8, 2014, https://www.justice.gov/usao-cdca/pr/final-defendants-quarter-billion-dollar-old-quest-tax-refund-scam-plead-guilty.

[25] Dale Jakes, Connie Jakes, and Clint Richmond, *False Prophets: The Firsthand Account of a Husband-Wife Team Working for the FBI and Living in Deepest Cover with the Montana Freemen.* (Arizona: Phoenix Books, 16 Dec 99), http://www.audible.com/pd/Bios-Memoirs/False-Prophets-Audiobook/B002V8KUIG.

[26] Ibid.

their ideology, beginning with a loose following of the Moorish Nation in 1998[27] to the well-defined movement of today under the teachings of the MTSA.[28]

Comingling of incidents committed by the Sovereigns of the Patriot Militias past, the newer Moorish Movements, as well as simple criminals preying on susceptible recruits of these groups, creates a difficult task of separating one from the others. Sovereigns of all brands, Militias, as well as criminals have been known to use the same paper-terrorism tactics against government officials and civilians. Thus, an anti-government theme weaves them together into a potentially larger consortium with possibly larger possibilities of grander mobilizations in the near future. Few studies deal systematically with paper-terrorism or any of the less spectacular—but arguably more effective—Sovereign tactics.

3. CURRENT DISCUSSION

Two open-source repositories for information on Sovereign actions are available: special reports by government and nongovernment organizations and the news media. Until this thesis, nobody from the federal or state level has conducted a quantitative study. Government reports provide remarkably similar information, but are also similarly deficient as to the sheer volume of incidents. Government reports all warn of a rise in activity, yet they only focus on the most violent offenses and offer only a handful of cases, which appear to reference only each other. When the government reports are compared to nongovernment organizations, such as the ADL and the SPLC, the federal reports reflect significant gaps in accurate incident tracking. The ADL's report provides approximately 80 examples of Sovereign actions over the past five years, which is the only resource that attempts to demonstrate how frequent and wide spread the Sovereign epidemic has become.[29]

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[27] Southern Poverty Law Center, "Common Law Bruises Big Apple," March 15, 1998, https://www.splcenter.org/fighting-hate/intelligence-report/1998/common-law-bruises-big-apple.

[28] Nelson, Leah, "Sovereigns in Black."

[29] Anti-Defamation League, "The Lawless Ones: Resurgence of the Sovereign Citizen Movement" (New York: Anti-Defamation League, 2012).

In June 2015, the National Consortium for the Study of Terrorism and Response to Terrorism (START) delivered a report on Financial Crimes Perpetrated by Far-Right Extremists in the United States from 1990–2013. Therein, 609 financial schemes are tallied amounting to over one billion dollars in government losses. Sovereign Citizens were discovered to have been behind 40 percent of the cases, which nearly doubles the second place offender, tax protestors.[30] Of the activities researched by START, tax avoidance rated highest at 59 percent of all cases, with the remainder of the offenses ranging from false liens and documents, check fraud, banking fraud, investment fraud, and other schemes.[31] One particular case involving fraudulent schemes caused 400 homeowners, almost exclusively Spanish speaking, to pay the subject, a Sovereign Citizen proponent, $15,000 to relieve them of their mortgages by means of a special Sovereign Citizen paperwork filing scheme against the homeowners creditors.[32]

JJ MacNab, a fellow at George Washington University, Center for Cyber and Homeland Security, has studied and published on Sovereigns extensively, including a seven-page table accounting for violent Sovereign-related incidents and plots beginning in March 2000 and ending with the recent Oregon standoff in February 2016. MacNab's report reflects, empirically, that more than 140 violent antigovernment incidents, involving Sovereigns and Militias, have occurred during the past 15 years.[33] Urban bias is another factor to consider perpetrated by the national news media. Many authors, Crothers included, noted how various news outlets and satirical shows only depict Sovereigns and Patriots as cowboys or right-wing crazies, thereby negating any chance of their voice being taken seriously.[34]

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[30] Financial Crimes Perpetrated by Far-Right Extremists in the United States: 1990 – 2013, https://www.hsdl.org/?view&did=767536

[31] Ibid.

[32] Department of Justice. "Whittier Woman Sentenced to Nearly 6 Years in Prison for Having Duped 400 Victim Homeowners – Many Spanish Speakers – of Nearly $4 Million with False Promises of Eliminating Their Mortgages." October 5, 2015.http://www.justice.gov/usao-cdca/pr/whittier-woman-sentenced-nearly-6-years-prison-having-duped-400-victim-homeowners-many

[33] MacNab, "Violence and Plots."

[34] Stephen Colbert, "The Oregon Militia Needs More Stuff," CBS. YouTube video, 3:47, posted by The Late Show with Stephen Colbert on January 13, 2016. https://www.youtube.com/watch?time_continue=56&v=izP3RnrNJx4.

4. SOVEREIGN VOICE

There is more to Sovereign organization—and a Sovereign canon—than many experts acknowledge. Various guides are available through any number of the underground websites—for example, the Sovereign Education and Defense Ministry, sedm.org, or at Freedom-School.com. Often these websites reference each other and provide links to various documents or products such as anonymously authored documents detailing the Sovereign's claim of a straw man created by the U.S. government to pledge humans as collateral in a global credit scheme.[35] A simple query into any major online search engine with the key words "meet your strawman" one will uncover an insurmountable number of videos and links to the Sovereign web presence. Many of the sites, however, are littered with viruses and other malware that could compromise one's system, so be fair warned. Sovereign guides such as the Court Survival Guide, which also references Vehicle Survival Kits, and a Citation Refusal Kit are readily available through many of the different websites, yet the guides are identical, one could dare say standardized.[36] Moreover, training slides are available for all. The average American citizen and prospective adherent has a plethora of sources. Some presentations are specifically targeted at police officers in an attempt to educate the law enforcement community; attempting to wrangle their opposition forces for recruitment.[37] Lastly, all of the reporting listed above by government agencies and non-profit entities discuss the problem in the United States, but the notion of individual sovereignty lives beyond the U.S. border. The Sovereign Citizen Movement is international.[38]

Sovereigns have their own press, sovereignty-press.net, which produces various titles, one of which speaks to readers with simple terms complete with illustrations, *Title 4 Flag Says You're Schwag: The Sovereign Citizen's Handbook Version 3.2*, which is

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[35] Freedom School, "Your Strawman Is an Artificial Person," Freedom School, 2016, http://freedom-school.com/aware/your-straw-man-is-an-artificial-person.html.

[36] Freedom School, "Court Survival Guide," Freedom School, n.d., http://freedom-school.com/law/court-survival-guide.pdf.

[37] Sovereignty Education and Defense Ministry, "Sovereignty for Police Officers Form #12.022," March 29, 2013, http://sedm.org/LibertyU/SovereigntyForPolice.pdf.

[38] "Strawman - The Nature of the Cage (OFFICIAL)," YouTube video, 2:06:27, posted by The Nature of the Cage, July 30, 2015. https://www.youtube.com/watch?v=7sArXw6ajNg.

readily available for purchase through Amazon.com or other online book sales.[39] Moreover, pamphlets and pocket-sized cut-outs ready for laminating, such as quick reaction cards for use during police encounters, are readily available for purchase.[40] Audio recordings, live streaming shows, and podcasts are also in abundant supply.[41]

Shock Jock shows, such as the *Pete Santilli Show* on the Guerilla Media Network[42] and Info Wars on the Alex Jones YouTube channel,[43] offer the Sovereigns a political stage and voice that resembles the more traditionally accepted, center-right, live news political media coverage. Jones supports Sovereign Citizens' actions during his shows with statements attacking the government's position: "Our sovereignty is ending, the Feds run everything from what our kids eat, to the price of our power…we are conquered…and it's a normal response to get physically ill, and angry, and enraged by all of this." Santilli provided live updates during the Malheur Refuge, Oregon, Standoff of February 2016. Prior to his arrival in Oregon, he read Sovereign documents and declarations regarding common law and jurisdiction over the situation and then provided a warning for listeners to "be very, very cautious how you navigate through this admiralty law thing, but the treasure, the golden treasure in the treasure chest is the truth about admiralty law and how they have literally enslaved us through language."[44]

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[39] J. M. Sovereign Godsent, *Title 4 Flag Says You're Schwag: The Sovereign Citizen's Handbook Version 3.2, vol. 3* (Sovereignty Press, 2012).

[40] J. M. Sovereign Godsent, *Sovereign Citizen's Cut-Out Kit 1.0: Cut the Government Out of Your Life Forever* (CreateSpace Independent Publishing Platform, 2012).

[41] Simon Black, "055: What It Means to Be Sovereign," *Sovereign Man*, November 10, 2015, https://www.sovereignman.com/podcast/what-it-means-to-be-sovereign-18214/

[42] Pete Santilli, "Guerilla Media Network - The Pete Santilli Show," YouTube video, 1:58, posted by Pete Santilli Show on December 9, 2014. https://www.youtube.com/watch?time_continue=118&v=eH-2NyVAZ3Y&ebc=ANyPxKpOk5CyvG2mAOfXHZdSp3cGYSQjubo82WLu5EwxIMT2g56DBNIJEaXszxb_15XxgiwcrWBLmizJGRH_Nux4Gyoc-9sR4Q; Alex Jones, "InfoWars Live On the Scene In Oregon," InfoWars. YouTube video, 19:00. January 4, 2016. https://www.youtube.com/watch?v=kJdgnKqTSAg&list=PLKkSfhYk-XBjULo5tq3l3ZzlvhLLHo6Mg&index=26.

[43] Alex Jones, InfoWars Live On the Scene in Oregon.

[44] Pete Santilli, "Hammond Ranch Update: Open Letter to Sheriff David Ward & All Sheriffs in The United States," YouTube video, 26:27. posted by Pete Santilli Show on December 1, 2015. https://www.youtube.com/watch?v=B3JqIceKh6I.

Neiwert describes such media as the types of shows that "have provided the antenna for transmission of the antigovernment sentiment into the radio receivers across the country."[45] Subscriptions to podcasts such as Sovereign Man, offer a seemingly sane, rational plan that not only explains the problems with the government in plain language, but also offer solutions that stir a sense of action in the minds of the listeners; simple tasks at first, such as voting with your feet to move to less restrictive states or how to become an expat.[46] But when some are faced with the hurdles of officially renouncing one's U.S. citizenship, such as exit taxes or learning a new language, individuals with Sovereign beliefs may decide to forego official renouncement and instead opt for a cheaper albeit illegal path to achieve their goals.

Facebook, YouTube, and Twitter accounts provide a stable platform for information sharing, but more importantly, the social media framework provides for real-time communication across the entire nation.[47] As the Oregon standoff made clear, occupiers issued a call to action across all three networks and other various websites for members to drive to the Malheur Wildlife Refuge to provide arsenal, manpower, and supplies.[48] The call was answered with an immediate armed response from various Sovereigns and Patriot Militia type organizations and members to include the Idaho Three Percenters and the Pacific Patriots Network, demonstrating the efficacy of the communication media.[49] Networked organization, however, is not new to this demographic. Dale and Connie Jakes, the civilian informants discussed earlier, tell the tale of how the Montana Freemen had created a nationwide telephone network during the late 1990s and had multiple states across the country ready and willing to descend upon

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[45] Neiwert, *Eliminationists: Hate Talk*.

[46] Simon Black, "060: Open Your High-Risk Savings Account Today!," *Sovereign Man*, February 19, 2016, https://www.sovereignman.com/podcast/high-risk-savings-18696/.

[47] Ammon Bundy, "**This Is a Call to Action**," Social Media, Facebook, (December 30, 2015), https://www.facebook.com/bundyranch/posts/936776653065810.

[48] Ammon Bundy, "Breaking Alert All Call to Militias! Bundy Ranch! Breaking Alert All Call to Militias! Bundy Ranch!" YouTube video, 10:44, posted by Blaine Cooper on December 29, 2015., https://www.youtube.com/watch?time_continue=65&v=ttnT4rQUbPc.

[49] House, "Arrival of Rifle-Toting Patriots Breaks Relative Calm at Oregon Standoff Compound."

the small ranch near the Justus Township to defend the ground against the corrupt illegitimate government..[50]

5. LEADERSHIP

The FBI and DHS, as well as the SPLC and ADL, all describe the Sovereign Citizen Movement as "a loose network of individuals living in the United States."[51] This perception contributes to the negligible attention paid to the Sovereigns as a security problem. Some scholars require that a movement be motivated by a unifying leader to possess the necessary pieces for growth. Possessing and subsequently losing a major figure head, as Crothers notes, aided in the decline of the Patriot Militias in the late 1990s after many of the hard core cadre left the movement following the 1995 Oklahoma City Bombing.[52]

Moreover, the notion of the Sovereign Citizen Movement as a leaderless, amorphous group may be a misperception. In research conducted by Molly Mee, Seattle University, Sovereign Citizen groups can possess extraordinarily standard organizational structures, much like that of a small nonprofit organization with positions such as the president, vice president, treasurer, secretary, and unique positions of authority such as justices, constables, and rangers.[53] Moreover, if the sovereignty press publishes handbooks and manuals,[54] if individuals are providing seminars and training programs,[55] and if websites are peddling frivolous UCC redemption procedures,[56] then how can our counterterrorism experts claim that the Sovereigns are loosely affiliated or leaderless?

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[50] Jakes, Jakes, and Richmond, *False Prophets*.

[51] "Sovereign Citizens: A Growing Domestic Threat to Law Enforcement," FBI, accessed July 14, 2016, https://leb.fbi.gov/2011/september/sovereign-citizens-a-growing-domestic-threat-to-law-enforcement.

[52] Crothers, *Rage on the Right*.

[53] Molly Mee, "The Anatomy of a Sovereign Citizen Group: Creating a Target Model" (Master's Thesis, Seattle University, 2013).

[54] Godsent, *Title 4 Flag Says You're Schwag*.

[55] "New York Republic - Interim Republic President James Timothy Turner- Vice President Charles Wright," YouTube video, 3:15, posted by New York Republic on January 5, 2011. https://www.youtube.com/watch?v=y4bOlUwHvD8.

[56] Legalucc.com, "Legal UCC Homepage," Legal UCC, 2013, http://www.legalucc.com/index.html.

C. CHAPTER OVERVIEW

Granted the Sovereign fixation on the court system, this thesis relies on legal documents to establish the breadth and depth of the Sovereign movement. Using the Lexis database, I searched through the last 10 years of cases involving Sovereign Citizens, yielding 548 cases. I read every one of these cases—3,565 pages of legal review—extracting 12 data points from each to create a database of information for analysis. Chapter II explains the methods of this research.

By going deeper, the study pinpoints, empirically, multiple data points that allow for qualitative analysis, and Chapter III lays out some of these considerations, including the range of Sovereign Citizen actions (Chapter III is devoted to the output of the data); the preferred target or fixation of their grievances; differentiation between those who became Sovereign Citizens after incarceration and those who were Sovereign prior to a police encounter; outcomes of cases attempting Sovereign defenses; and lastly a quantitative study of cases per state, year, and court. During the research, it became necessary to track how many of the cases involved individuals who sought self-representation as well as those who sought fee waivers, or *in forma pauperis* status, which is essentially permission to proceed without paying any fees.[57] While benign at first, the self-representation, or *pro se*, and in forma pauperis status serve a tactical purpose in their paper terrorism objectives. Moreover, the study was able to uncover that the body of characters has outgrown the traditional base of the movement's white-male, Christian, Patriot-militia past. The consortium of characters now includes Black, Mexican, Moorish, Asian, as well as others. Because multiple demographics exist, the term Sovereign is used as an adjective throughout the research to describe general aspects of the movement. Further analysis is possible through the use of the data collected herein. Furthermore, this study is repeatable and well within skillset of domestic intelligence analysts, from the local police department's intelligence office all the way up the Director of National Intelligence. Studies such as this need to become part of the regular discourse of domestic terrorism, intelligence, and homegrown violent extremism.

[57] Legal Information Institute, "28 U.S. Code § 1915 - Proceedings in Forma Pauperis," accessed July 16, 2016, https://www.law.cornell.edu/uscode/text/28/1915.

Chapter IV addresses the potential explanations for the growth of the Sovereign Citizen movement. Sovereign Citizens' albeit twisted view of morally right and wrong lies on the same plane of the American political continuum. Sovereigns grew up in the same neighborhoods, went to the same schools, and believe in the same overarching principles as mainstream Americans. Social movement theory as well as other theories on social movements can help to understand why Sovereign actions are increasing.

Although this work has been mainly expositional, uncovering the empirically proven rise in Sovereign Citizen activity, it also holds some promise about how the data could be used or how the method could be repeated to provide prescriptive actions aimed at addressing the issue. Chapter V concludes the work with some prescriptions for court procedures to decrease the amount of time spent on frivolous paper terrorism, for the DOJ response to protecting law enforcement officers during Sovereign Citizen encounters, and recommended updates to legislation to rebalance the focus of U.S. domestic counterterrorism efforts.

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II. METHODS

Throughout the research process of this thesis, I found no quantitative study of the Sovereign Citizens. I had expected to find analysis based on historical record keeping or a database tracking Sovereign Citizen encounters. Unfortunately, no such collection of information existed beyond the seminal but partial ADL article, *Lawless Ones*,[58] and JJ MacNab's research on antigovernment plots.[59]

My intent for the research was to compile a repository of firm data from legitimate and reputable sources. In this chapter, I will explain my search design, as well as the limits of this study and of my approach to this project, the controls used to focus the data collection and how the various products developed were refined. Ultimately, the chapter recounts my journey through the material and the method in hopes that future research can improve upon or leverage the methods used to further the understanding of Sovereign Citizens and other emerging threats our nation may face.

A. SEARCH DESIGN

When looking for empirical data to search for numbers of case studies involving Sovereign Citizens, I reasoned that each time Sovereigns had a police encounter, had been sentenced in a court of law, or had any other interaction with the DOJ, I could expect to find copies of the case law reviews, dockets, or other public records. Of the available research tools afforded to graduate students at the Naval Postgraduate School, the Lexis Research System offered a database of cases, which I could search for Sovereign Citizen-related cases.[60]

Initial research began with key-word searches within the Case Law search engines. The search engine allowed me to look for names, key words, particular laws, and

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[58] Anti-Defamation League, "Lawless Ones."

[59] MacNab, "Violence and Plots."

[60] "Lexis Research System," Lexis Research System, 2016, https://www.lexisnexis.com/start/signin?service=lexis&contractURL=https%3a%2f%2fw3.lexis.com%2fresearch2%2fauthResource.do%3f_m%3d74c57c8bf1f7939d9ecafedc745605d0&key=_cA1934C24-51C5-3B92-D78F-E6384CB66139_kB3B9FBD4-1BCD-FB6A-464D-96A4B9A87EA1&event=form.

many other factors. Additionally, the tool allowed me to filter out results based on federal and state level, particular states, as well as special courts, such as the U.S. Tax Court, in addition to circuit courts and the numerous state-level District Courts of Appeals.

Searching for cases related to Sovereigns initially yielded thousands of results due to the vague nature of the search results. Everything from naturalization cases to cases involving diplomats with sovereign immunities were included in the data. Thus, refinement was necessary.

The final search parameters shaped up more narrowly. First, I selected all federal and state cases. In doing so, I ensured to cover the broadest swath of regions, districts, and specialized courts, such as the U.S. Tax and Bankruptcy Courts. Next, I pursued cases back ten years, a sufficiently narrow search window for the completion of a thesis, yet time enough to yield quantitative value for the research.

Finally, I settled on one search term: "Sovereign w/1 Citizen." Special characters change the search results within Lexis as they do in many search engines. Quotation marks ensure to look for the specific word or phrase and the special characters "w/1" ensure that results have the words sovereign and citizen within one word of each other. Without such special signifiers in the search parameters, numerous results would appear with the terms sovereign discussing the status of a foreign embassy's rights and then the word citizen hundreds of times throughout another case. In the end, the final search parameters included federal and state cases, within the last ten years as of April 2016, with the search terms "Sovereign w/1 Citizen" placed in the search engine.

The result was 548 cases.

I filtered the results to reflect only the pages necessary to gather the information necessary. In total, 3,565 pages were the result of the 548 filtered cases. The search automatically numbered the results chronologically and by court type. For example, the Circuit Courts were listed first, followed by the U.S. District Courts, then Tax Courts, and so forth. The cases were numbered 1 through 548, a system that I used throughout my research and also within the database for quick reference. The cases were saved into three separate electronic documents due to the massive size of the data. Cases 1 through

200 were saved to the first document, 201 through 400 to the second, and 401 through 548 on the last. The entire database and Lexis search results are saved and available for future use by the Dudley Knox Library; details of the saved location are contained within Appendix B.

B. LIMITING FACTORS

Although this study is robust, it is only the tip of the iceberg of empirical research necessary to complete the picture of Sovereigns in the United States. On the version of Lexis to which I had access, records from Circuit Courts, state-level U.S. District Court of Appeals, State Court of Appeals, and special courts, such as Tax Courts are available, but not county courts, and other lower level courts. Thus, the only cases available for research involve those subjects that had been tried and convicted and then filed petitions, motions, or other appellate filings for consideration by higher courts, or cases that requested that a higher level court hear a complaint against a lower level court. Undoubtedly, a similar nationwide search of the lower courts and traffic courts, as well as such other databases as the National Crime Information Center (NCIC) could produce many, many more cases. I would be interested to learn whether the broad trends that my research revealed hold true across these numbers of cases.

Human error can play a role in any large-n study. Without technological aids for compiling and coding the data, this study relied on the eyes, skill, time, tradecraft, as well as a plethora of other human factors that contribute to the successful extraction of the information from each case. A research journey through 548 cases and 3,565 pages looking for key points, names, professions, intentions, and trends is vulnerable to subjective discretion and missed data on the part of the researcher. Each case varied in length, some a mere five pages while others were 40 or more. I set out to complete 50 case reviews per week during my fourth quarter. Thus, I had charted a course to complete essentially an eleven-week deep dive into the nuances of each of the Sovereign Citizen cases.

It is also worth noting that the offenses and incidents committed by the Sovereign Citizen, which initiated the encounter with law enforcement officials, did not necessarily

occur the same year as the case query. For example, one Sovereign, John Cobin, sought retaliation against the commissioner of the IRS in regard to collection of 1991 and 1992 tax bills, which he refused to pay as he claimed "his sovereign status made his body real property, gave him the ability to opt out of paying Federal taxes by revoking an election he had purportedly made under section 871(d), and allowed him to keep all of the income his labor generated."[61] In 2003, the IRS initiated the collection action for the 1991 and 1992 tax liabilities, and the case was then entangled for six years as the IRS and the courts sparred with Cobin's pseudo-legal tactics until finally the U.S. Tax Court ruled in favor of the IRS and imposed further fines against Cobin for the delayed proceedings.[62]

C. CONTROLS

Coding became the next challenge. It was necessary to review each case to determine what data would be necessary to create the kind of quantitative and qualitative information desired. Several days were spent working with research specialists and the Dudley Knox Library staff to determine if the means existed to data mine specific information from the cases with Lexis. The team attempted multiple filters and methods of searching, but nothing reliably workable presented itself at the time. Therefore, it was necessary to comb through all 3,565 pages myself, painstakingly, to uncover the data.

Upon conclusion of the review, I determined that 530 of the 548 cases involved adherents to the Sovereign Citizen movement. Cases not related to Sovereign Citizens totaled at 18 and had the search terms close together for another reason—for example, in cases involving Native American disputes or foreign diplomat affairs. Some of the non-applicable cases involved filings that did not feature the Sovereign rhetoric; rather, the decision had notes and references from previous case law involving Sovereign Citizens tactics. Therefore, the final search parameters discussed above were effective containing a 97 percent success rate of yielding search results for Sovereign Citizens—at the appeal level, at least.

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[61] Cobin v. Comm'r, T.C. Memo 2009–88 (T.C. 2009).

[62] Ibid.

Initial coding efforts were ambitious, looking to extract specific demographics, such as age, gender, and ethnicities, but it was soon apparent that such information was not readily available in all case notes. The study would need narrowing and the focus honed. With the help of my thesis advisors, I settled on 12 factors to extract from each case: general information, such as case title; case or docket number; presiding court, year, state; detailed information, such as pro se or in forma pauperis status; ruling or outcome; case dismissal with or without prejudice; circumstances of the offense; target or victim of the offense; whether the Sovereign adherent became sovereign prior to or after a DOJ encounter or both; and lastly, any special notes that seemed relevant for further discussion. Each of the criteria are explained in detail.

General information was gathered for the full ten-year time span to create Large-N quantitative research. Tracking of the case titles and case numbers did not provide any relevant data for study, but was necessary in order to keep the cases organized and available for reference if needed. Gathering information on which court presided over the cases allows the DOJ to look for the courts or districts having the most experience with Sovereigns, which could lead to discovering best practices.

Some specific information became apparent as the case reviews ensued, however. Once I had become accustomed to the layout of each Lexis case review, I went back and started over with additional criteria on the scope. The qualitative analysis involved a deeper examination into cases spanning the past five years. Some 440 of the 548 cases reviewed occurred within the last five years of this study. Detailed information that would be of interest to most law enforcement agencies included the. I identified key data points that would enable law enforcement agencies and researchers to leverage my efforts. My analysis considered the outcomes of the case, circumstances of the offenses, as well as the intended targets or victims. In all 12 criteria were identified as key points of interest.

Case outcomes became an interest item when I began to notice the striking number of cases that were dismissed, nearly all in favor of the Sovereign's opponent (typically the government), but that most were *not* dismissed with prejudice or without leave to amend. The distinction between dismissing a case with or without prejudice is

significant, particularly granted the Sovereign penchant for paper-terrorism as a tactic of choice. By simply dismissing a case, without prejudice, the court allows the individual to resubmit the same action if it is amended in some way—often many times until the filing is legally adequate. If the case is dismissed with prejudice, things change. As the Legal Information Institute explains, when a court dismisses a case with prejudice, "the court is saying that it has made a final determination on the merits of the case, and that the plaintiff is therefore forbidden from filing another lawsuit based on the same grounds."[63] Dismissal with prejudice typically follows a determination that the case is frivolous in the legal sense. Chow, a consulting attorney, provides a working definition that is in line with Rule 11b governing the submissions of legal proceedings, "a frivolous lawsuit is one that asserts a legal claim that has no legal merit whatsoever… Such lawsuits are commonly used to harass or intimidate the target of the suit."[64] After the court dismisses an action with prejudice, it can then take measures to dismiss future filings of the same matter quickly—and to impose sanctions under Rule 11 of Federal Civil Procedures against the recreational litigants attempting to file yet another frivolous claim.[65] The rate of cases dismissed with prejudice was strikingly low nationwide—only 14 percent of Sovereign cases in this study were deemed by courts to be completely over.

Another item of interest was the remarkable consistency with how often Sovereign adherents would seek *pro se* status, or more simply put, self-representation.[66] During case reviews, I had learned through numerous justices' case notes of what self-representation means in terms of courtroom procedures. When a defendant or plaintiff proceeds in pro se status, or self-representation, it requires the court and judge to give individuals more latitude in their filings. An allowance as such, opens the door for Sovereign Citizens to drop massive incomprehensible documents, sometimes well more than 100 pages in length, which the courts must review prior to making any

[63] Legal Information Institute, "Dismissal with Prejudice," August 19, 2010, https://www.law.cornell.edu/wex/dismissal_with_prejudice.

[64] Andrew Chow, "What Is a Frivolous Lawsuit?," Find Law, October 23, 2012, http://blogs.findlaw.com/injured/2012/10/what-is-a-frivolous-lawsuit.html.

[65] Legal Information Institute, "Rule 11," November 30, 2011, https://www.law.cornell.edu/rules/frcp/rule_11.

[66] Legal Information Institute, "Pro Se," August 6, 2007, https://www.law.cornell.edu/wex/pro_se.

determination. In accordance with case law established in the 2006 case *Boxer X v. Harris*, "pro se pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed."[67] Thanks to this requirement, judges and attorneys must now sift through the nonsensical, legalese arguments, costing the courts precious time and resources. This burden is, of course, the goal of the Sovereign litigant. Thus, tracking the rate at which the Sovereign citizens selected to seek self-representation speaks to both their distrust for a "corrupt" legal system as well as their paper-terrorism tactic of deliberately clogging courts.

Courts, however, are not without recourse for such tactics. Case law has given the courts tools to combat the outlandish filings that simply ramble on without ever stating a claim. In *Brock v. Carroll*, the court established that "federal court does not act as an advocate for a self-represented litigant."[68] Moreover, in *Beaudett v. City of Hampton*, the court also established that "a court is not obliged to ferret through a complaint, searching for viable claims. District courts are not required to conjure up questions never squarely presented to them."[69] As Chapter III points out, however, courts availed themselves of this way out of the Sovereign pro se trap less often than they could have.

Related to the pro se issue, is the effort of many Sovereigns to seek in forma pauperis (IFP) status for their pleadings. *In forma pauperis* means "in the form of a pauper" and designates an individual too impoverished to afford the filing fees and other associated legal costs incurred through regular court proceedings.[70] Within the United States, proper legal action is not a privilege granted only to those who can afford such niceties; IFP proceedings reflect the courts' resolve to ensure everyone has access to their Sixth Amendment rights to a fair trial, regardless of income inequality.[71]

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[67] Linge v. State of Georgia Inc., Appx. 895 569 Fed. (11th Cir. Ga. 2014).

[68] Drelijah J. Muhammad v. SSA Ins. Corp., LEXIS 836 2016 U.S. Dist. (D. Md. 2016).

[69] Ibid.

[70] Legal Information Institute, "Proceedings in Forma Pauperis," accessed July 16, 2016, https://www.law.cornell.edu/uscode/text/28/1915.

[71] Legal Information Institute, "Sixth Amendment," February 5, 2010, https://www.law.cornell.edu/constitution/sixth_amendment.

In some courts—Georgia, for example—the in forma pauperis status also followed a peculiar rule that was established in *Dupree v. Palmer*, which states, "when the district court denies a prisoner leave to proceed in forma pauperis pursuant to § 1915(g), the proper procedure is for the court to then dismiss the complaint without prejudice."[72] Thus, as a tactic, if IFP is denied, the Sovereign is nearly guaranteed that the case will not be dismissed with prejudice. This means that the individual can then resubmit the same action again, and again; and the typical Sovereign litigant will do so. The rule seems to favor the recreational litigant—that is, the Sovereign

The data also allowed me to differentiate between the cases that involved individuals who were followers of the Sovereign Citizen ideology prior to the police encounter and the individuals who became Sovereign adherents while incarcerated. The purpose for this factor was to determine if the spread of the Sovereign Citizen was merely a prison contagion or if the movement was thriving outside the walls of the Department of Corrections. In addition, I coded cases where the individual was espousing Sovereign rhetoric before, during, and after the trials.

D. PRODUCTS

I used a simple Excel spreadsheet to log the selection criteria from each case. The database is saved for future use, which can be located using the supplemental information at the end of this thesis. The present section provides a brief summary of how the database is organized. Search results from Lexis are numbered beginning with one and then ascending with each subsequent result. Column A of the databases reflect Lexis' search result, which also double as my case study number for quick referencing. Columns B, C, and D contain general information copied directly from the front page of each case, which includes the case title, case or docket number, and courts respectively.

Column E reflects the state in which the court resides that presided over the case. In rare occasions, such as transferred prisoners within the Federal Bureau of Prisons, the state in which the offense took place differed from the state in which an appeal or petition was filed. Column F pertains to the year, which again reflects the year in which the filing

[72] Williams v. Ga. Dep't of Corr., LEXIS 163904 2015 U.S. Dist. (M.D. Ga. 2015).

was submitted and decided, but not necessarily the year in which the offense took place. In most instances, the offense took place within the statutory limits of filing an appeal; but still others were filed years after a prisoner had been incarcerated. Such frivolous filings alone are considered in the activity.

Column G provides the coding for cases that included individuals who proceeded as pro se (1), self-represented, as well as those granted in forma pauperis status (2), seeking a fee waiver. IFP and pro se are not necessarily correlated unto themselves, but in the Sovereigns history, they were in lockstep. Thus, for the purposes of this study, a study coded as IFP was also pro se, as they were filed together without any deviations. Column H explains the outcomes of each case, such as case dismissed, vacated, remanded, transferred. Column I expands on the outcomes to differentiate between the cases that were dismissed with prejudice or without leave to amend (1) and those simply dismissed.

Column J contains the targets from each case. Extracting this information from the cases took the most time, as it takes some time to identify the opposing parties and their roles. In some cases, the United States was going after a Sovereign for tax fraud and in other cases Sovereigns were retaliating against government and justice officials for a myriad of frivolous reasons. The spectrum of targets was broad, but the trends were clear. Column K also took considerable time to complete as it lists the wide array of offenses or circumstances of the case. Here I identified both the circumstances of the original offenses as well as the intent of the legal filing. Thus, many cases have multiple labels within the circumstances column.

Additionally, I grouped circumstances into categories in order to code for broader analysis. For example, a Sovereign may have been arrested for failure to stop, a traffic violation, or for using fictitious license plates, another traffic violation. In such cases, both are coded as traffic. If one case involved a Sovereign committing long term tax evasion and a separate case involved tax fraud, both are labeled as tax scheme. Moreover, a case's block within column eleven may have multiple categories, such as drugs, fraud, money laundering, and jurisdictional challenge, such as the case of Shawn Pass, who was originally convicted of multiple counts of drug trafficking, fraud, and money laundering,

but then filed a frivolous sovereign petition from jail attacking the jurisdiction of the court many years later.[73]

Finally, the Column L provides coding for when the individual first espoused Sovereign Citizen rhetoric in the face of a law enforcement or other such authority. Individuals who initiated some action against another, but not necessarily attached to an appeal or had some Sovereign type actions prior to a police encounter were assigned the number (1). Many Sovereigns who were arrested for a non-sovereign related offense, such as drug trafficking, would later discover the Sovereign way of life while incarcerated. For those individuals who launched a filing either while in custody or after release and were not arrested under a Sovereign Citizen type circumstance, then they were assigned the number (2) in the column. In some cases, the Sovereign was arrested for typical Sovereign infractions, such as traffic encounters or financial schemes and then continued using the Sovereign platform in the defense of their trial and throughout the appeals process while in prison. Such individuals were coded with the number (3) in the column, sovereign before and after their trial.

E. CONCLUSION

Outside of the Sovereign Citizen movement, a local agency could conduct a mirrored study focusing on gang violence, land rights activism, or any number of issues unique to a district. On a larger scale, agencies concerned with domestic counterterrorism, such as the DOJ, DHS, or the Office of the Director of National Intelligence, have resources at their disposal to conduct similar domestic, non-Islamic terrorism research using our existing criminal justice databases. And with greater access to resources, major federal agencies could perform studies such as this one to a much greater level of fidelity. It is my hope that agencies across the country take this study and continue the momentum to reduce the Sovereign Citizen threat and create new policy that keeps our streets and justice officials safe.

[73] United States v. Pass, Appx. 832 413 Fed. (6th Cir. Ohio 2011).

III. ANALYSIS

This chapter delves into the nuances of each of the 548 cases. Here we begin to discuss the qualitative details retrieved from the study. I was able to compile state statistics, which provides insight as to the level of Sovereign Citizen activity within specific states as well as across the popular regions of the United States. Furthermore, the research offered up which courts had the greatest number of Sovereigns passing through their chambers, thus implying which courts may have the most experience in dealing with such actors. Individual case outcomes offered shed further light on the manner in which the courts have handled Sovereigns standing before the bench and whether those Sovereigns chose legal representation by attorney or if they employed a popular Sovereign tactic of self-representation. The chapter concludes with who the Sovereigns target and with what tactics they most prefer. To my knowledge, no such study of this nature has been conducted; however, my hope is that it is not the last.

A. STATE STATISTICS

Spanning all 50 states, as well as Washington, DC, and the U.S. Virgin Islands (USVI), the study was as broad as the range of relevant cases in Lexis. Similarly, only four states posted no cases in the search: Connecticut, Louisiana, Massachusetts, and North Dakota; Guam and Puerto Rico also did not feature among the cases. It is hard to say whether these states and territories have no Sovereigns in them or if, for example, the cases are charged or reported differently. Available historical accounts, as depicted in Chapter I, describe Sovereign roots growing out of the Pacific Northwest and northern-tier states of the 1990s, nurtured by a century-old southern white supremacist, Christian extremism ideology. The evidence in this study shows that today, in contrast, the movement operates broadly, across multiple ethnic and socio-economic backgrounds, and within the states where one may least expect them.

Figure 2 shows the 10 states with the most Sovereign-related legal activity over the past decade.

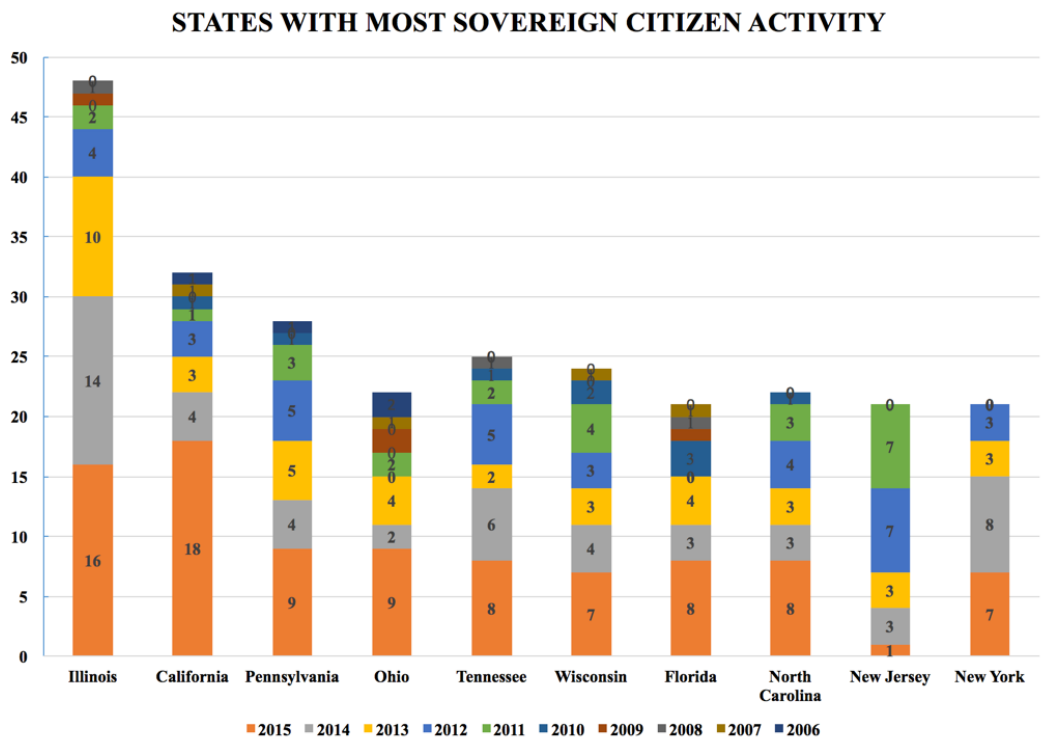
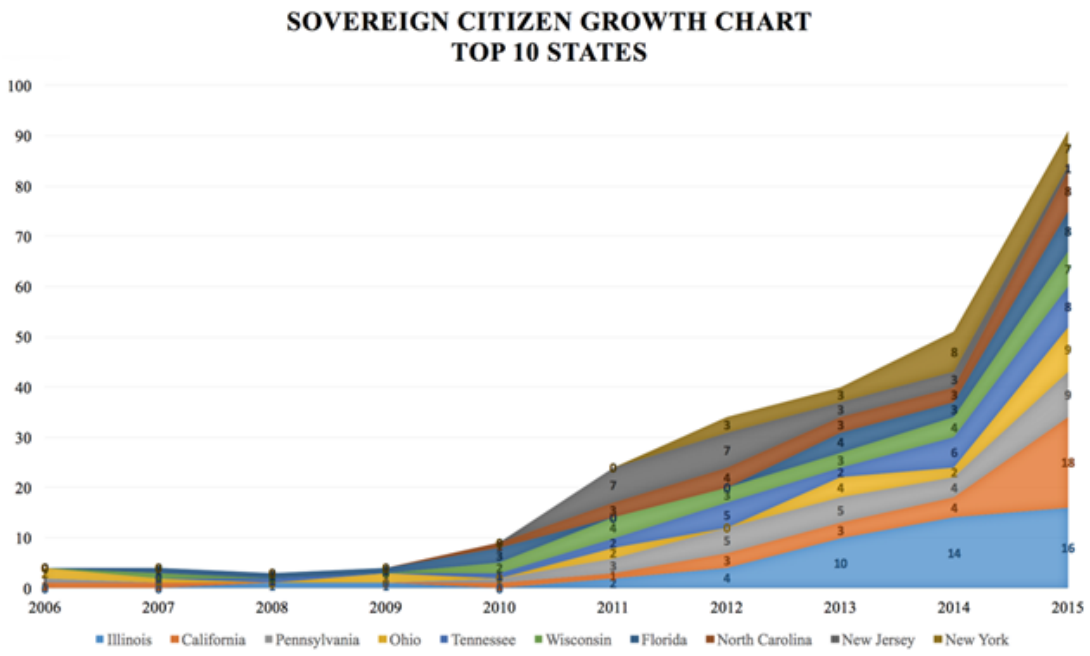


Figure 2. States with Most Sovereign Citizen Activity

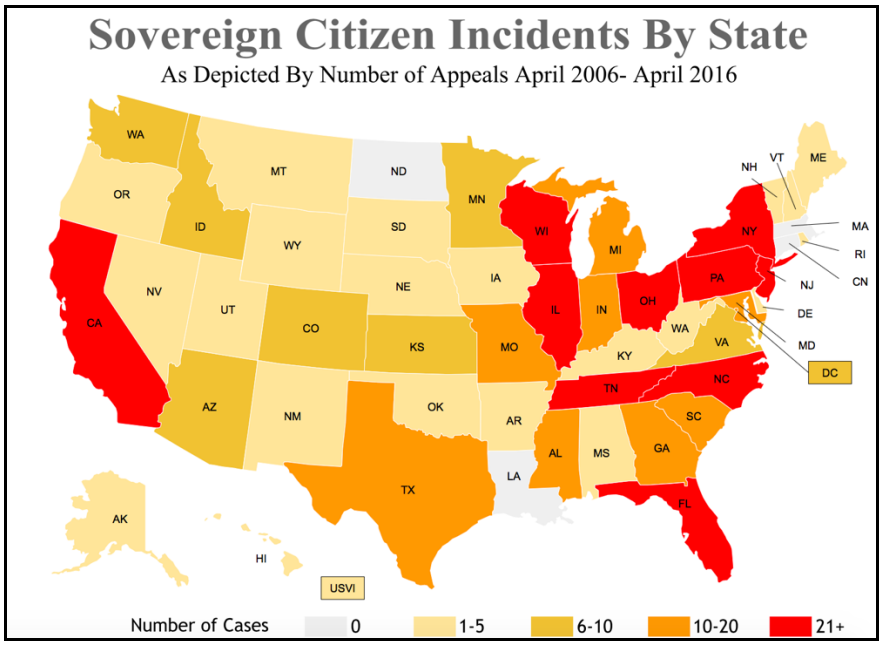
The chart is a stacked column that reflects the total number of cases per state with each year color coded within the column. The data for all 50 states as well as the USVI is contained within Appendix A. One can generally see that each of the state's cases are increasing in frequency as the timeline moves to the right. To further demonstrate the increasing trend, Figure 3 takes the same data and places it on a timeline for the same 10 states.



Shows the collective and individual growth of sovereign activity for the top 10 states over the past 10 years.

Figure 3. Sovereign Citizen Growth Chart

The available literature on Sovereign roots, as explained in Chapter I, might create an expectation for concentrations of sovereign actions in the Pacific Northwest and Western Great Plains regions, such as Idaho, Montana, and Wyoming. My data demonstrates that the distribution of Sovereign Citizens spans much farther than the old history. Figure 4, a heat map, plots the 10-year study across the United States.



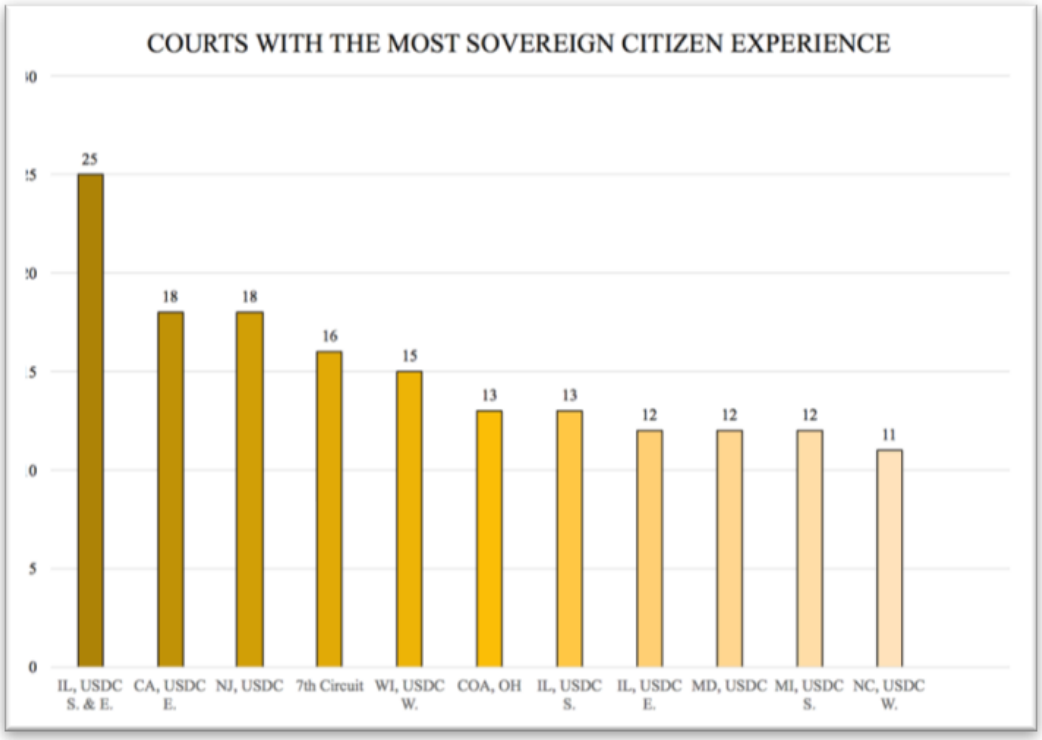
Depicts concentrations and regional problem areas for Sovereign Citizen activity.

Figure 4. Sovereign Citizen Incidents by State, Map

The Eastern United States, as a major region, certainly faces the greatest concentrations. The Central East to North Eastern States see a considerable amount of Sovereign cases, as do states south of the Mason Dixon line. Illinois, in the heart of the country, has generated the most Sovereign activity in the court system, according to my data; California represented a rather distant second despite having a much larger population. I was also able to use the detailed state data to conduct further research, which permitted the identification of courts that have the most experience engaging Sovereigns in their game.

B. COURT EXPERIENCE

The data also showed which courts might have the most experience when it comes to dealing with the Sovereigns. Experienced courts may have developed effective procedures beyond administrative hurdles, but, conversely, courts may have also neglected the matter resulting in their increased frequency. Figure 5 reflects the 10 courts with the highest number of sovereign encounters.



It is worth noting that Illinois has two courts represented within the graph.

Figure 5. Courts with Most Sovereign Citizen Experience

Further study is possible within the courts identified to determine if any such best practices exist. The DOJ and U.S. Attorney's office could initiate an investigation within these courts to uncover any such benchmarks or possible vulnerabilities. Courtroom procedures, clerk administrative practices, bailiff training, court staff safety, and other factors could improve if the knowledge of these experienced courts were shared.

C. CASE OUTCOMES

In the period under review, Sovereigns lost 93 percent of cases, largely because most of the cases failed to state a claim. Despite massive stacks of paperwork and nonsensical arguments, most simply did not state a claim in a succinct manner lending to the high rate of failure. Figure 6 reflects the total of each case's outcome.

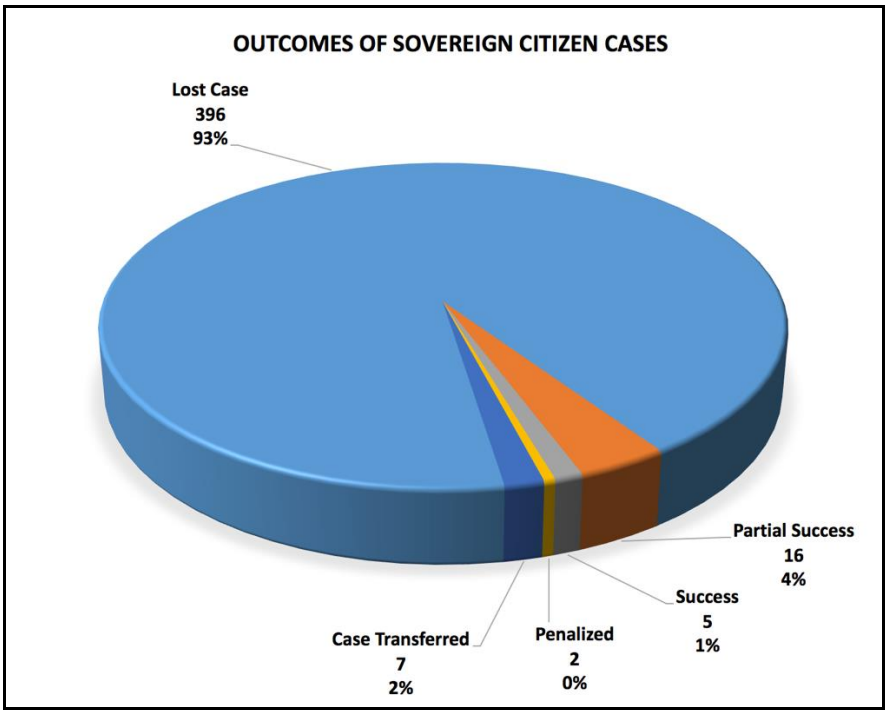


Figure 6. Outcomes of Sovereign Citizen Cases, Last Five Years

In seven cases, the justices refused to handle the matter or referred the case to another court's jurisdiction to which I labeled as case transfers. In only two cases, the Sovereign litigant was punished with sanctions and fines for their frivolousness. Yet, 21 cases met with some degree of success. When a Sovereign's petition or motion was denied in part and granted in part, I deemed this a partial success. In some cases, a judge would deny a motion to dismiss, but then remand the case to a lower court for further determination. As such, the Sovereign would have another opportunity for success with the original action. True success, which accounts for only five cases, meant that the Sovereign either initiated an action against another party, such as justice official and either won the case, succeeded in blocking a Judge's motion to dismiss, or otherwise walked away the victor.

As an example, Walter-El Alkemet Shakur EL-Bey, Moorish Sovereign Citizen, succeeded in Alabama during a 2014 case seeking monetary relief against a judge. Previously known as Walter Earl Topps, El-Bey follows the ideology of the Moorish Science Temple, which is a Muslim-centered black-Islamic sect, and adherents of the

Sovereign Citizen Movement.[74] El-Bey attempted to legally change his name, from Topps to El-Bey, but was prevented from doing so by a Macon County probate judge, due to religious discriminatory actions. El-Bey filed a lawsuit against the county judge for the alleged incident and the judge countered with a motion to dismiss the case, calling it moot, as El-Bey never actually filed the name change.[75] The facts and procedural history provided by the USDC of Alabama deduced the situation:

> When EL-Bey presented his petition to legally change his name, [a] Macon County Probate Judge…spoke to [El-Bey] regarding his reason for requesting a name change as part of [the judge's] usual "practice of reviewing petitions for a name change" …EL-Bey alleges that, during this discussion, [the] Judge questioned him about his religion, made remarks about Christianity, told EL-Bey he needed to take the petition "to a pastor," threw the petition and other documents at EL-Bey, and instructed the clerk not to file the petition…the Judge stated that, as a result of this discussion, EL-Bey "reacted with hostility towards me and began shouting at me that I was violating his constitutional rights." Although [the] Judge does not identify any "aggressive" or "irrational" behavior other than shouting, [the] Judge states that, after attempting to speak with EL-Bey to "calm him down," he became concerned for his safety and the safety of his staff due to EL-Bey's "aggressive" and "irrational behavior," and he called courthouse security to escort EL-Bey from the courthouse…EL-Bey contends that he was arrested by local police after leaving the courthouse, and, during the arrest, he was told to "put [his] hands behind [his] back like you pray, you know how you pray?"[76]

In this case, the USDC of Alabama reviewed the accused county judge's motion to dismiss without succumbing to El-Bey's Sovereign rhetorical defense. Instead of becoming blinded by the righteous arguments of El-Bey's Moorish entitlements, the USDC reviewed the case's actual circumstances, recognized that the county judge and court officers had denied EL-Bey's request and further that they had engaged in discriminatory acts.[77] The county judge's motion to dismiss was denied and the case was set for a future trial, to which the outcome has yet to be determined. Though the case was

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[74] Walter-El Alkemet Shakur El-Bey v. Menefee, LEXIS 163452 2014 U.S. Dist. (M.D. Ala. 2014).

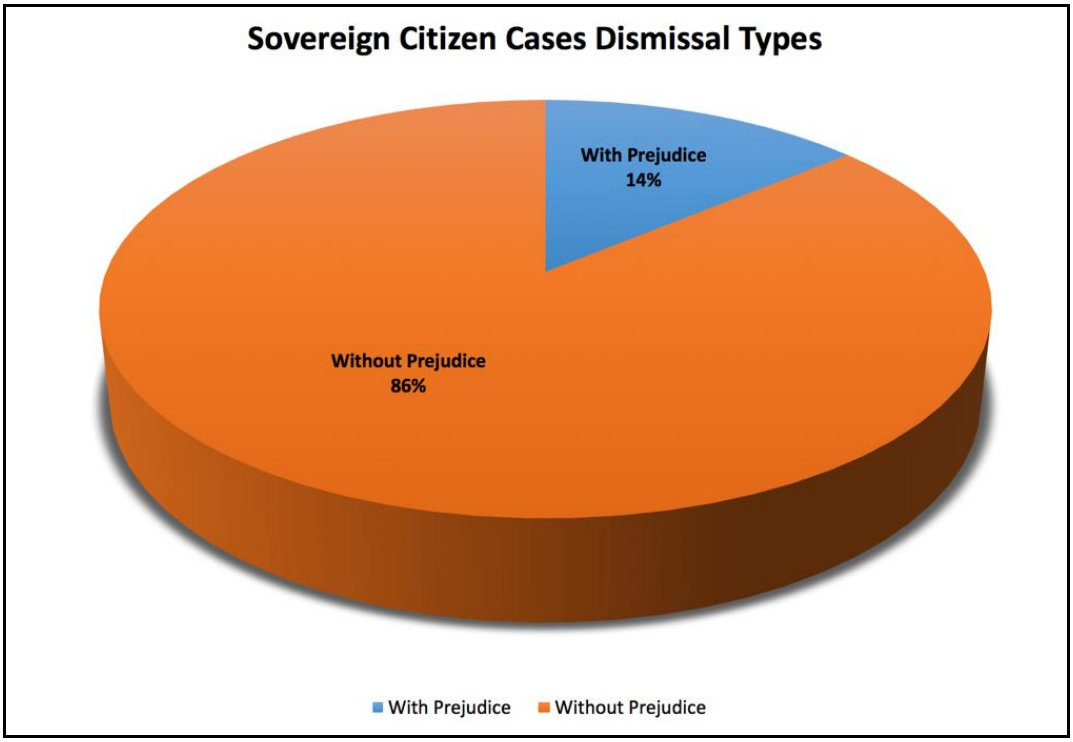
[75] Ibid.

[76] Ibid.

[77] Ibid.

won by a Sovereign, it was not won due to Sovereign defense schemes; regardless, El-Bey can chalk one point for the movement.

In the context of Sovereign Citizens filing numerous frivolous filings, the manner in which a case was dismissed became an important factor for consideration. Cases dismissed with prejudice prevent the plaintiff from ever resubmitting an amended filing on the same matter.[78] In some courts, terminology varies slightly. Instead of dismissing cases with prejudice, cases are dismissed without leave to amended, which invokes the same effect. Figure 7 demonstrates the rate at which courts employ the prejudice dismissal as well as dismissal without leave to amend as opposed to dismissing without prejudice or not specifying any prejudice.



Differentiates between cases dismissed with and without prejudice.

Figure 7. Sovereign Citizen Case Dismissal Types

[78] Legal Information Institute, "Dismissal with Prejudice."

An astonishing 86 percent of cases were dismissed without prejudice despite the highly frivolous nature of the appeals and sometimes repetitive attempts.

One case assessed exemplifies the recreational litigant term. Dr. Keenan Cofield, an incarcerated Sovereign Citizen who sought relief and credits from his various sentences, filed over 135 petitions clogging courts across the nation.[79] Justice Bumb, who presided over Cofield's 2014 petition uncovered in this study, commented on the scope of Cofield's activity as well as warnings for further frivolous actions:[80]

> From this Court's own research, Petitioner—prior to initiating the case at bar—has already commenced one hundred and fifteen civil matters in various federal district courts, including the [USDC]s for the Western and Eastern Districts of Virginia, Southern and Northern Districts of Alabama, Maryland, District of Columbia, Eastern Kentucky, Eastern Tennessee, Northern Florida, Kansas, Colorado, Northern Georgia, Eastern North Carolina, Southern New York, Northern Ohio, and Middle District of Pennsylvania. In addition, it appears that Petitioner has filed over twenty appellate actions with the United States Courts of Appeals for the Fourth, Sixth, Eleventh and Federal Circuits and several actions with the United States Supreme Court. Petitioner has now selected this District as his next target…This Court, therefore, strongly urges Petitioner to take his litigations in this District, and in all other federal courts, with utmost seriousness, since sanctions will be applied to Petitioner if he continues abusing the legal process.[81]

What truly boggles the mind is that despite recounting the plights of all the courts listed, Justice Bumb dismissed Cofield's actions, presumably his 136th attempt, without prejudice. Though Justice Bumb was correct to dismiss the frivolous petition and was further correct in providing written warning in regards to possible sanctions and fines, by missing the detail of dismissing the case with prejudice or without leave to amend, Justice Bumb left the gate open and allowed Cofield to simply file another petition in the near future. The Justice's warning of possible sanctions is clearly late.

Some states with seemingly high rates of dismissals with prejudice have relatively low levels of activity. It is possible that Sovereigns are aware of jurisdictions that dismiss

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[79] Cofield v. United States, 2014 U.S. Dist. LEXIS 59901 (D.N.J. 2014).

[80] Ibid.

[81] Ibid.

frivolous filings with higher rates than others. Therefore, I would recommend further study into the potential practices of those states with high percentages of frivolous cases dismissed with prejudice as a potential tool for curtailing Sovereign Citizen court actions.

Table 1. Ten States with the Highest Rate of Cases Dismissed with Prejudice.

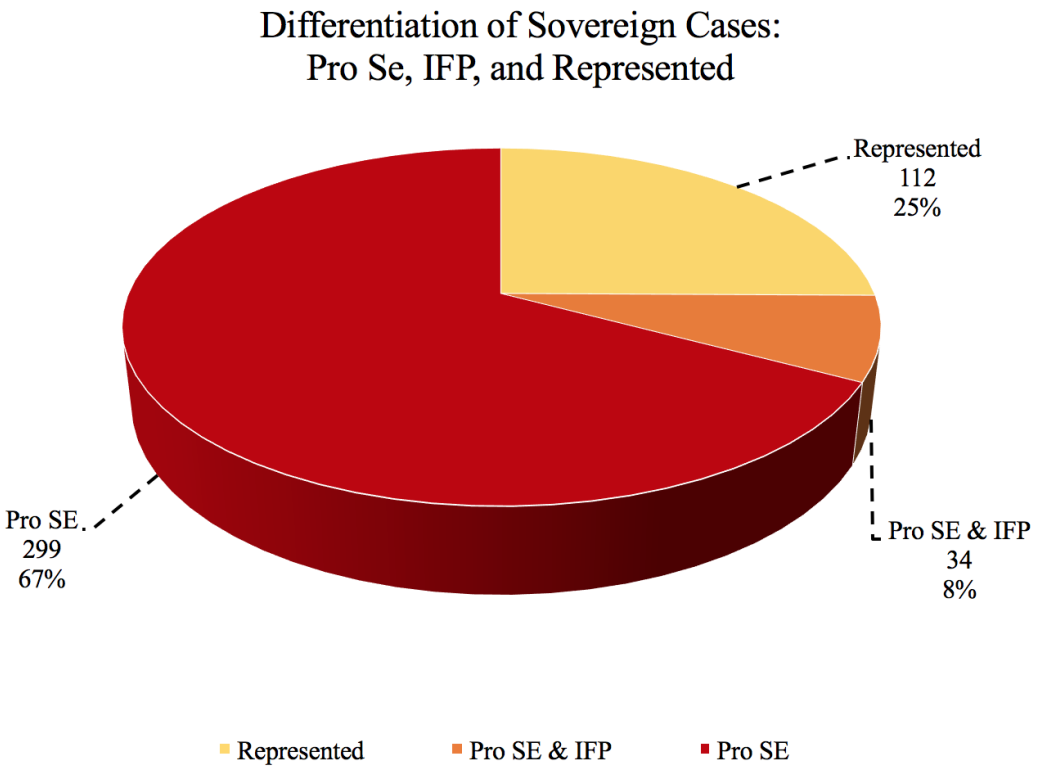
State	Total Cases Past 5 Years	Cases Dismissed with Prejudice	Rate Dismissed with Prejudice
SD	2	2	100%
KY	3	2	67%
HI	4	2	50%
OK	2	1	50%
CO	6	2	33%
NY	22	7	32%
AL	14	3	21%
MI	15	3	20%
WV	4	1	25%
NJ	23	4	17%
D.C.	6	1	17%

It is possible that South Dakota's 100% rate of Sovereign Citizen cases dismissed with prejudice sends a message to the community. Likewise, Illinois' lack of presence in Table 1 may also reflect a legal culture that allows Sovereigns to engage the courts in perpetuity, which may account for the state's highest number of cases recorded.

D. REPRESENTATION

In addition to the manner of how the cases concluded, another key point uncovered was how the Sovereigns carried out their cases in terms of representation and financial proceedings. The Sovereigns' appeals followed a highly consistent theme of pleas to proceed pro se and in forma pauperis among their nonsensical filings[82] As Figure 8 shows, 75 percent of Sovereign cases within the last five years involved subjects who sought self-representation–in some cases as a pointed tactic.

[82] Legal Information Institute, "Pro Se."



Identifies the distribution of those cases where the Sovereign selected an attorney to represent them, opted for pro se representation, and those who also sought in forma pauperis status in conjunction with a pro se action.

Figure 8. Self-Representation Statistics of Sovereign Citizen Cases, Last Five Years

Gilkey v. USA provides an example of how Sovereigns use the pro se status as a tactic. Gilkey, a Sovereign who identified himself as "Ahnuck Musa Bey, an aboriginal indigenous American," stood trial for multiple indictments spanning 2011 through 2015, which included felony weapons charges, drug possession, and falsified documents, as well as having run from police on multiple occasions, to include vehicle pursuits.[83] During the trial, Gilkey fired his attorney, proceeded *pro se*, and began espousing Sovereign rhetoric. The Tennessee USDC wisely required his attorney to remain on as "elbow counsel," however. Such lawyers are literally or figuratively at the pro se

[83] Gilkey v. United States, LEXIS 144809 2015 U.S. Dist. (W.D. Tenn. 2015).

defendant's side to clarify terms or procedures. In accordance with the defendant's wishes, they are not engaged in defense, but they can and do help citizens navigate the technicalities of a court proceeding.[84] In his first trial, Gilkey was found guilty on six counts and sentenced to 300 months for each of the first three and 60 months for the final three to all be served concurrently, meaning at the same time. Thus, Gilkey faced 25 years of incarceration.[85]

After sentencing, Gilkey appealed, arguing that the court "denied his Sixth Amendment right to counsel because his attorney failed to file a direct appeal after being asked to do so."[86] It was a curious argument for a defendant representing himself—though the point of the appeal may simply been to delay punishment or further inconvenience the court. In this case, because Gilkey was granted pro se status and the court required his attorney to remain on as an elbow counsel, his appeal was denied in accordance with case law established in *Farreta v. California*, where the U.S. Supreme Court established that "a defendant who elects to represent himself cannot thereafter complain that the quality of his own defense amounted to a denial of effective assistance of counsel."[87]

The second factor regarding how a Sovereign proceeded financially possessed yet further intriguing factors. The way a pro se representation required the courts to provide more liberal reviews of filings, in forma pauperis, or the permission to proceed without paying any fees, places additional unique constraints on some courts.[88] While seemingly benign at first, gaining in forma pauperis status serves a tactical purpose in Sovereigns' paper terrorism objectives. While some Sovereigns attempt to proceed in forma pauperis simply for purposes of seeking a fee waiver, convicted Sovereigns have capitalized on prison wisdom to manipulate the rule. Courts have dismissed cases when individuals

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[84] FindLaw, "Case Summary, Tennessee v. Small," Find Law, April 12, 1999, http://caselaw.findlaw.com/tn-supreme-court/1342100.html.

[85] Gilkey v. United States, LEXIS 144809 2015 U.S. Dist. (W.D. Tenn. 2015).

[86] Ibid.

[87] Justia Law, "Faretta v. California 422 U.S. 806 (1975)," Justia Law, 1975, https://supreme.justia.com/cases/federal/us/422/806/case.html. Footnote 46.

[88] Legal Information Institute, "Proceeding in Forma Pauperis."

have been granted in forma pauperis status, in accordance with a type of three-strikes appeal rule that the Eleventh Circuit Court established in 2002 within the case law of *Dupree v. Palmer*: "The proper procedure is for the district court to dismiss the complaint without prejudice when it denies the prisoner leave to proceed in forma pauperis pursuant to the three strikes provision of § 1915(g)."[89]

To simplify, this rule applies to the incarcerated only and if a prisoner submits three frivolous petitions, the prisoner cannot submit another filing while also not paying the filing fee and attempting to acquire in forma pauperis status. However, as shown in the 2015 case of *Williams v. Georgia Department of Corrections*, Williams submitted filings beyond his third frivolous attempt and in an in forma pauperis fashion, which the passed through the various rungs of the DOJ, culminating with Justice Royal's determination to dismiss the filing, without prejudice, as in done by both all of the USDC and Circuit Courts.[90] Prisoners still retain the right to file legal petitions and appeals in their defense. The rule allows for swift dismissal, but it does not prevent the individual from filing the same case repeatedly.

It appears that all that is needed to clog the process, to this regard, is to submit a frivolous filing, with an in forma pauperis request. The meritless submission will be recorded, processed, reviewed by an appellate level justice, in forma pauperis denied, and then subsequently dismissed without prejudice; permitting the Sovereign to do it again and again. The justices are empowered to conduct swift reviews, without considering the merits of the fourth and subsequent filings on the same matter, but only if the prisoner does not pay the filing fee and attempts to proceed in forma pauperis. Frustratingly, this game Sovereigns play comes at a cost for the courts in the form of human resources and precious time, but the sovereign prisoner gets to play for free.

E. SOVEREIGNS' ACTIONS

Sovereign Citizens' intentions range from extreme violence to the subtle resistance of government. To a Sovereign Citizen, federal, state, or local law enforcement

[89] Dupree v. Palmer, F.3d 1234 284 (11th Cir. Fla 2002).

[90] Williams v. Ga. Dep't of Corr., LEXIS 163904 2015 U.S. Dist. (M.D. Ga. 2015).

is, at best, irrelevant because the law that they enforce is illegitimate, according to the Sovereigns. Paper terrorism, the tool of choice for the Sovereign Citizen, takes the form of both white-collar crime as well as harassing tactics against government officials. Paper terrorism is a term coined by the DOJ, which encompasses false liens, frivolous court complaints, and other bogus financial schemes.[91] Few studies deal systematically with paper-terrorism or any of the less spectacular—but arguably more effective—Sovereign tactics. The present study looked carefully at the circumstances of these relevant cases. Figure 9 shows the breadth of Sovereign tactics as discovered from this detailed review.

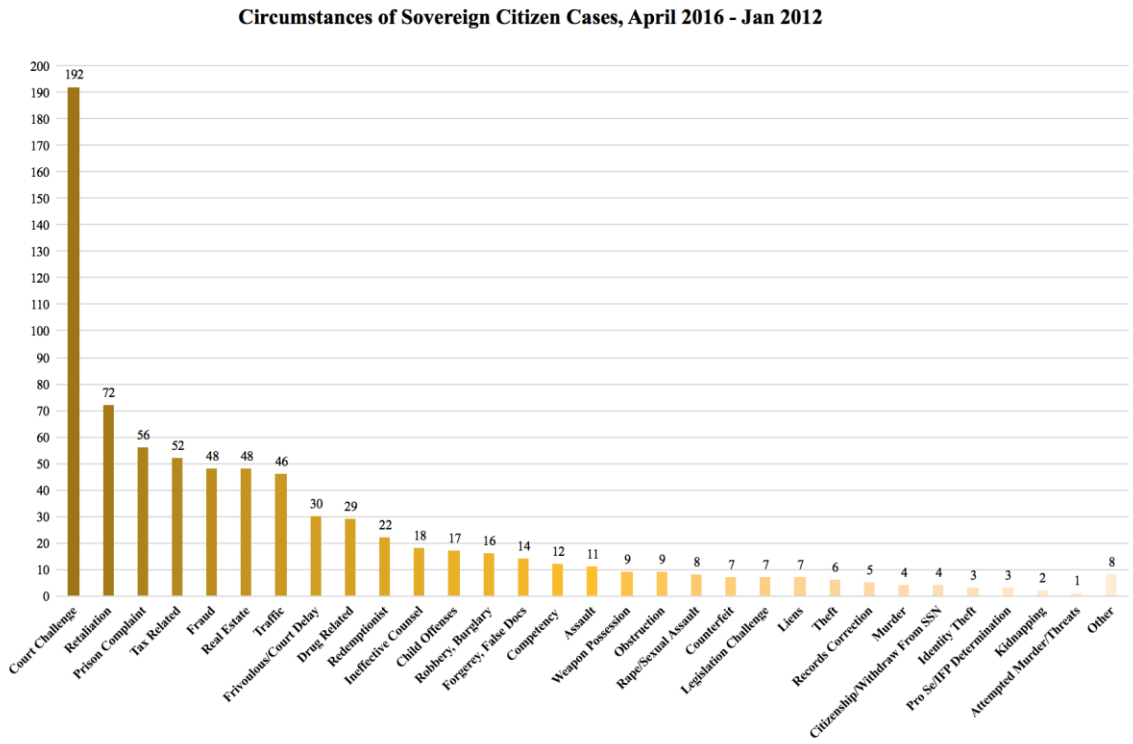

Figure 9. Proclivity of Tactics Employed by Sovereign Citizens

For purposes of this study, the highest activity by far was the attempt to challenge a court's jurisdiction, procedure, or legitimacy in some way, thereby clogging the court systems. In those challenges, the Sovereign frequently failed to state a claim, but instead

[91] Department of Justice, "Counterterrorism White Paper" (Washington D.C., 2006), http://trac.syr.edu/tracreports/terrorism/169/include/terrorism.whitepaper.pdf.

rambled on in an attempt to prove the illegitimacy. Second, retaliation against individuals for some perceived injustice typically accompanied the jurisdictional challenge. Tax related schemes, various fraud and real estate schemes, and traffic violations round out the top five sovereign actions and encounters. Jurisdictional challenges, the highest level of activity, presented most commonly in the form of a *habeas corpus* action initiated by the Sovereign, and in some cases in rapid succession by recreational litigants.

Habeas corpus actions generally are used by a litigant to force a court to examine the previous court's decision and in some cases, as an appeal in itself, since the Sovereign believes the court convicted the fictitious Strawman and not the flesh and blood individual, as the Latin derivative of the terms mean to present the body.[92] For example, Smith-Bey filed six habeas actions within six months challenging his 2014 conviction, all of which were summarily dismissed with prejudice.[93]

F. SOVEREIGNS' TARGETS

Broad-ranging tactics are not distributed among a broad range of targets. Sovereigns have a clear target, justice officials to include judges, law enforcement officers, corrections officers, as well as other members of the judicial system. Figure 10 reflects the distribution of targets selected by the Sovereign citizens studied herein. Second and a third place are earned by private-party individuals and financial institutions, respectively. The IRS, other federal government offices, and federal officers, including the president, are all in the crosshairs of the Sovereign Citizen movement.

[92] Legal Information Institute, "Habeas Corpus," August 6, 2007, https://www.law.cornell.edu/wex/habeas_corpus.

[93] Smith-Bey v. Wolfe, LEXIS 137368 2015 U.S. Dist. (D. Md. 2015).

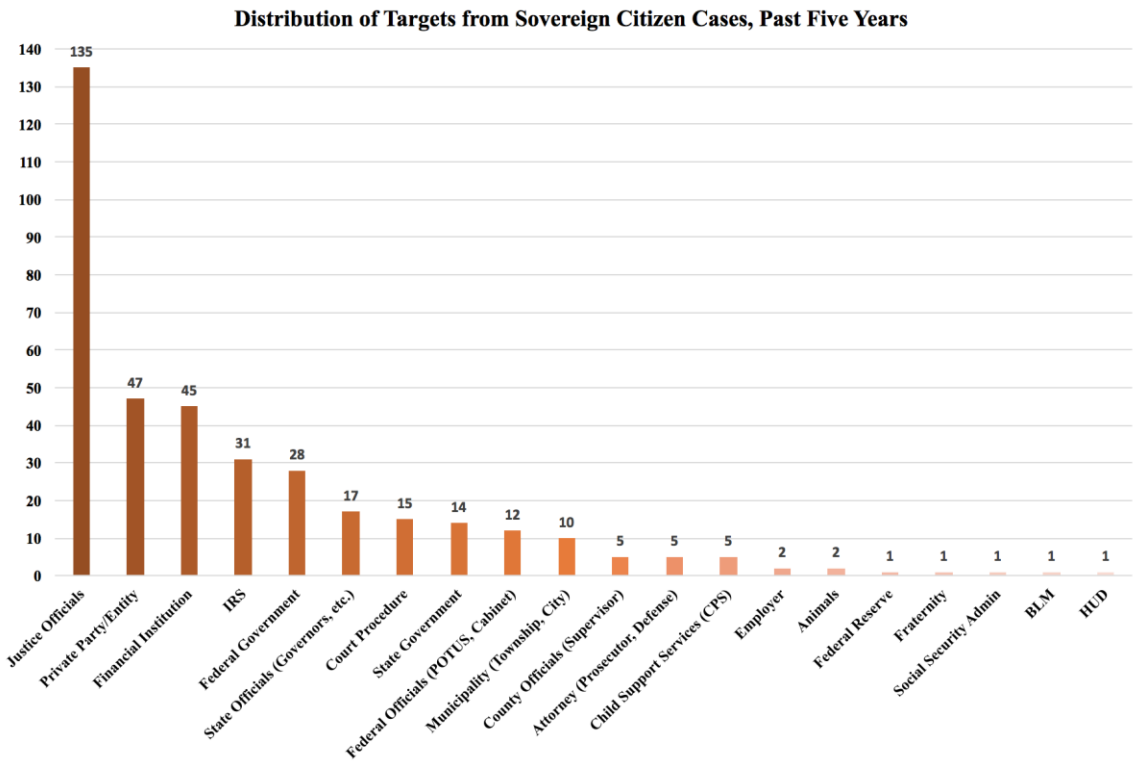

Figure 10. Distribution of Targets from Sovereign Citizen Cases, Last Five Years

When all of the government-type targets are placed into the same category and compared to the remaining non-governmental targets, a clear statement is made. In all, some 85 percent of the cases from the past five years targeted a government official or other government office in some capacity. Figure 11 provides a graphic representation that demonstrates the grave level of hate the Sovereign's have for the U.S. government and those charged with protecting our country.

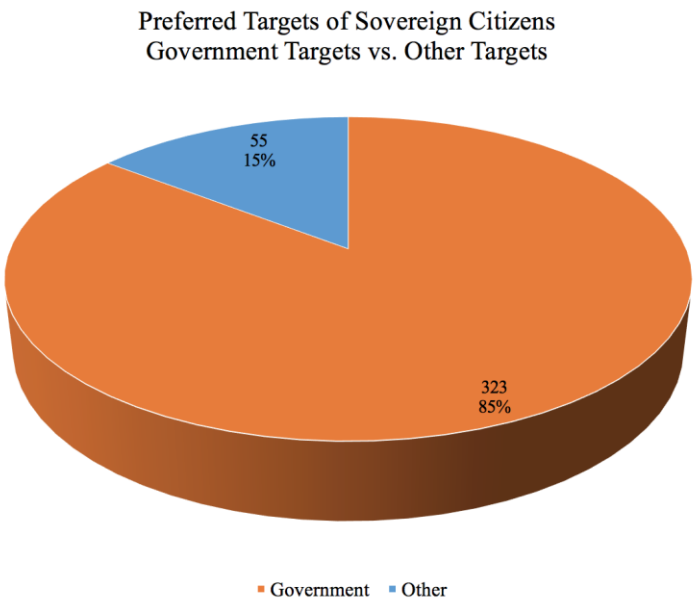

Figure 11. Preferred Sovereign Targets, Government versus Other

G. SOVEREIGN BEFORE OR AFTER THE LAW-ENFORCEMENT ENCOUNTER?

The last criteria studied from the data mined from the Lexis results involved how to differentiate between those subjects who were sovereign adherents before their encounter with the law from those who became followers of the sovereign canon after having been convicted for several years. Additionally, some cases involved a sovereign initiating some action outside of a legal infraction. Figure 12 shows the distribution of these criteria.

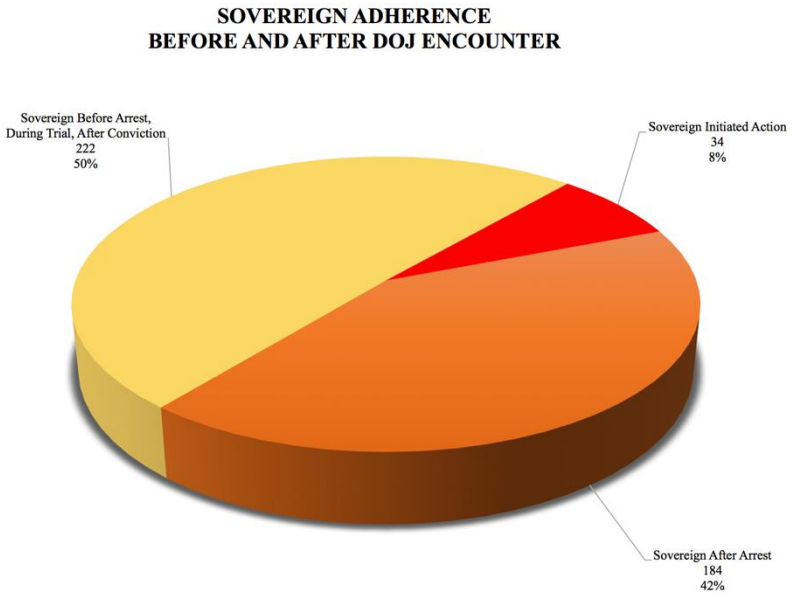

Figure 12. Distribution of When Sovereign Citizens Became Adherents to the Ideology

Fifty-eight percent of the cases involved a Sovereign Citizen who had been an adherent to the ideology prior to a DOJ encounter, while 42 percent learned of the tactics and ideology after having been incarcerated. The data supports the Anti-Defamation League's research on Sovereigns and their assertions that recruitment into the ideology and use of tactics has become infectious with the federal prison system.[94] The Federal Bureau of Prisons classifies high-risk inmates for special controls and monitoring, to which the Sovereigns have earned the moniker; however, it would seem that the controls in place to thwart sovereign recruitment and training are insufficient.

H. CONCLUSION

The data contained in this chapter compels one to question the administrative processes in place within our court systems as well as the organization of our domestic intelligence collection policies. With such clear evidence that a rising trend exists, where is the response? While the work is highly expositional and less prescriptive, this first step

[94] Anti-Defamation League, "Lawless Ones." 12-14.

was necessary to prove the rising trend and also to expose quality data from which policy decision and further study could be launched. I posit that the Sovereign Citizen Movement grows out of a lack of awareness on the part of our government due to a shortage of studies such as this.

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IV. EXPLANATIONS AND CONTEXT

Government reports warn of a rise in Sovereign activity, yet they only focus on the most violent offenses, offering only a handful of cases that appear to reference only each other. Furthermore, none has addressed the underlying conditions that are leading to their assumed rise in sovereign activity. Chapter III addressed the problem of missing data. Now, this chapter explains the Sovereign Citizen Movement growth while providing context as to the conditions permitting the growth. Decades-old concepts of social movements are still applicable yet are still not applied to problems of the day. Gaps in current policy, the lack of actions undertaken by higher agencies, and a review of the antecedent conditions of social movements reveal why the Sovereign Citizen movement has grown so rampantly.

A. GAPS IN DOMESTIC INTELLIGENCE

Al-Qaeda, ISIS, and other foreign-born terrorist regimes have dominated U.S. policy decisions and the attention of the intelligence community since 9/11. This focus is sensible, granted the threat, but it is incomplete. The habit of looking only in one direction—outward—leave policy and intelligence officials blind or at least under-informed about the threat of violence and even terrorism from within Sovereign circles in the United States. Moreover, the contemporary political climate, in both the executive and judicial branches, has caused major ideological polarization among politicians and the American public steer further policy decisions that will undoubtedly feed the fire of both right- and left-wing violence to include acts of domestic terrorism, which the government is not equipped to counter.

The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 created major structural changes and began to define parameters for activities. The act delineated between foreign, domestic, and homeland security intelligence activity; however, it did not require that resources or focuses be balanced among the three focuses.[95] Furthermore,

[95] Mark M. Lowenthal, *Intelligence: From Secrets to Policy*, Sixth edition (Los Angeles: CQ Press, 2015). 6.

the IRTPA of 2004 created the Office of the Director of National Intelligence (ODNI) and further granted budgetary authority to the ODNI in order to grow the National Intelligence Program (NIP) in a manner that could counter threats faced in the current century, to include hiring up to 500 employees to this end.[96] In addition to defining the role, responsibilities, and opportunities of the DNI, the IRTPA of 2004 also contained specific terrorism prevention provisions. Particularly, it addresses actions that would now be punishable by law, such as involvement with known terrorist organizations, receiving military training from a known organization, as well as taking part in any terrorist or military hoax.[97] Moreover, the act provided legislation to secure funding for specific technology improvements, such as financial tools and the National Incident Command System, as well as additional human resources in order to increase security among the various travel routes for both passenger and cargo.[98]

Perhaps the most important aspect of the IRTPA of 2004 goes back to the opening lines of the previous paragraph, which is that the act is steered by the influence of the DNI. Vice Admiral Michael McConnell, former DNI identified the gap in this strategic guidance when he said during an open forum, "the effectiveness of the DNI today is entirely personality dependent, based on the way the law is written."[99] The IRTPA lacks verbiage requiring the DNI and IC to spread resources among all three aspects of national intelligence: foreign, domestic, and homeland security. What the IRTPA does not lack is the thematic attack on foreign based, radical Islamic inspired terrorist activity and an overarching emphasis on the protection of civil liberties.

Prior to the IRTPA of 2004, the USA PATRIOT Act of 2001 stood as the first major reform aimed at fostering information sharing and enhanced collection to include

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[96] Susan Collins, "Summary of Intelligence Reform and Terrorism Prevention Act of 2004" (Washington D.C: United States Senate Committee on Governmental Affairs, December 6, 2004), https://fas.org/irp/congress/2004_rpt/s2845-summ.pdf. 2-3.

[97] Ibid. 14-18.

[98] Ibid. 14-15, 21.

[99] Michael McConnell, "Session 1: Office of the Director of National Intelligence: The View from the Top," YouTube video, 1:40:08, posted by Robert Strauss October 23, 2014. https://www.youtube.com/watch?v=gHWq5l5Ha3Q.

collection of telephone metadata on American civilians if necessary.[100] If the intelligence community was concerned about finding a needle in a haystack before, the collection of telephone metadata compounded the problem by creating millions of haystacks. Mark Lowenthal writes about the collection of metadata, stating that it included "numbers of the telephones involved in the call and the date, time, and length of call" but that later provisions by the DNI legal counsel required that the data only be made available "if there is a reasonable suspicion that a telephone number is associated with specified foreign terrorist organizations."[101] Much of the language, one can see, is borrowed from the Foreign Intelligence Surveillance Act of 1978, which was enacted during a growing cold war era of foreign agents and a period of aircraft hijackings.[102] Here, one can see again the emphasis on foreign terrorist organizations and a lack of attention on domestic terrorism other than a perpetual need to protect the politically sensitive dilemma of civil liberty infringement versus public safety and security.

The culture within a system rewards behavior and directly influences the development of certain capabilities while simultaneously diminishing the robustness of other capabilities.[103] The IRTPA of 2004 and the USA PATRIOT Act of 2001 both initiated momentum towards enhanced intelligence collection, analysis, technology, and funding; however, they allowed the growth to manifest in a demand system, capitalist-like, rather than in a rational system. As alluded to in the opening paragraph, routine is the enemy. Zegart writes about this effect in her account for causes leading to the September 11, 2001, attacks. The FBI possessed a law enforcement culture; one with the relentless hunger for competent evidence leading to a conviction, which caused the dismissal of factors that could have uncovered the terror plot.[104] Earlier, as learned from the 1993 World Trade Center bombing, the FBI's law enforcement approach sought

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[100] Lowenthal, *Intelligence*. 31, 124.

[101] Ibid. 124.

[102] 95th Congress, Foreign Intelligence Surveillance Act of 1978, H.R.7308, 1978, http://fas.org/irp/agency/doj/fisa/hspci1978.pdf.

[103] Amy B. Zegart, *Spying Blind: The CIA, The FBI, and The Origins of 9/11* (Princeton, N.J: Princeton University Press, 2007).

[104] Zegart, *Spying Blind*.

evidence to close the case, thereby potentially missing the bigger picture and missed factors leading to future attacks.[105] As Crumpton points out, the FBI seeks to build the case following the incident, whereas intelligence, namely the CIA, seeks to stop the incident before it happens.[106] An incentive structure that rewards the closure of a case and conviction of a suspect does not necessarily promote the collection of valuable intelligence on peripheral activity leading to a greater scheme. Similarly, policy focused on the pursuit of international terrorist plots, reward the offices who thwart such plots with funding, increased human resources, technology, promotions, and so forth. Thus, pursuit of Al-Qaeda and ISIS abroad and at home became a growth market. Pursuit of anything else non-convictable and domestic became second priority or simply did not rank as a priority. Routines are easily exploited and if present, they immediately expose the weakness of the system. If one were to analyze any system, such as a fitness routine, and saw that the individual only engaged in a long-distance, low-intensity, long-duration, aerobic training regimen, then one can easily deduce that the same individual would fail if challenged with a series of high-intensity, short-duration, maximum-effort challenges. Conversely, if an individual only engaged in the high-intensity maximum effort challenges, then that same individual would fail if forced to perform the long duration challenges. The same concept can be seen in government policy. Overinvestment in one sector comes at the expense of another. In the context of domestic intelligence combatting homegrown, non-foreign inspired terrorism, the routine of pursuing Al-Qaeda and ISIS exclusively, has left the surveillance of American antigovernment groups unattended with a void of information regarding the issue.

A compounding factor that adds to the lack of organized government response includes issue saliency. As Chamberlain and Haider-Markel's "Lien on Me" article argues, issue saliency concerns how well the public is informed of an issue and how high

[105] Crumpton, Henry A., "Intelligence and Homeland Defense," in *Transforming U.S. Intelligence*, ed. Jennifer E. Sims, Burton L. Gerber, and Georgetown University (Washington, D.C: Georgetown University Press, 2005), 198–217.

[106] Ibid. 208.

it ranks in the minds of policy makers.[107] The article argues that regional influences are the primary causal factor as to why some states adopted laws to counter right-wing extremism. Chamberlain and Haider-Markel determined that the level of political attention, garnered by the degree of the public's awareness of the issue, and the position of a neighboring state on the matter, determined whether or not the state adopted laws to specifically counter bogus lien attempts by right-wing extremists.[108] The correlation not determinative; however, some states did not adopt such laws despite having high numbers of incidents. Moreover, the media possesses an urban bias, as well as an international terrorism bias, that skews the news coverage, thereby inhibiting issue saliency for domestic extremism.[109] Moreover, the lack of for-profit media interest has resulted in the creation of a "virtual network sphere" to provide the communication medium for the Sovereign Citizen Movement as well as other single interest movements, such as from the concealed carry advocates.[110] Simply stated, news coverage and media sensationalism are not concerned with diverse reporting. Instead the various media conglomerates are concerned with ratings, profits, and matters of business, to which the coverage fixates on the available viewers, who are predominantly from urban and suburban areas and not from the rural. Therefore, the public at large will not hear of the Sovereigns until the sensational story hits the airwaves, such as was the case with Gavin Long in Baton Rouge.

B. THE AGENCIES

The ODNI and DHS Intelligence and Analysis division (DHS I&A) have both experience turbulent organizational change since their inception. Rapid fire leadership changes and a chronic need to restructure the organizational charts of both agencies have prevented any chance at effective development of domestic non-Islamic terrorist

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[107] Robert Chamberlain and Donald P. Haider-Markel, "Lien on Me: State Policy Innovation in Response to Paper Terrorism," *Political Research Quarterly* 58, no. 3 (September 2005): 449–60.

[108] Ibid.

[109] Crothers, *Rage on the Right*.

[110] Daniel Nesmith, "Understanding Where America's Public Discussion Takes Place in Today's Society: Case Studies of Concealed Weapons Carry Reform" (Master's thesis, Naval Postgraduate School, 2016).

intelligence collection. DHS I&A is headed by an undersecretary, now a politically appointed position, which changed hands seven times between 2003 and 2010.[111] The I&A division's humble beginnings started in a partially condemned building where analysts would share desks and terminals, while dealing with failing climate controls, inoperable restrooms, and other unhealthy work conditions.[112] Today, the infrastructure has improved, but the organizational chart is still subject to turbid conditions. Previous DNI General James Clapper, stated in 2014, "as I've gotten older, I've gotten less and less enamored of reorganization as a method of curing some problem…you redo the wiring diagram and it makes the poobahs on the seventh floor happy, but in the trenches those reorganizations have consequences in ways the senior authorities will never see."[113] The relentless pursuit of foreign-inspired domestic terrorism has had the second- and third-order effect of boosting the support for the federal intelligence capabilities that supports the overseas warfighter, but has left the homeland law enforcement and domestic intelligence capabilities in the rearview mirror.

John Carlin, assistant attorney general for National Security, affirmed that the attention on domestic terrorism has paled in comparison to international terrorism.[114] If the U.S. Attorney's office is serious about combatting domestic extremism, then tracking mechanisms for monitoring the rate and type of occurrences needs to be created, published, and broadcasted. Missing information leads to misinformation, which then steers the political conversation as well as the resources afforded to combat domestic terrorism. As Dr. Heidi Beirich of the SPLC and Assistant Attorney General John Carlin concur that "it is matter of 'and' not 'or' for what the United States is facing."[115] Unfortunately, in 2014, the DOJ's official release on the initiative to restart the Domestic

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[111] Johnson, *Right Wing Resurgence*. 158.

[112] Ibid. 139.

[113] James Clapper, "Session 1: Office of the Director of National Intelligence: The View from the Top," YouTube video, 1:40:08, posted by Robert Strauss October 23, 2014. https://www.youtube.com/watch?v=gHWq5l5Ha3Q.15:30.

[114] Heidi Beirich and John Carlin, "Assistant Attorney General John Carlin on Domestic Terrorism Threat" C-SPAN, video posted on October 14, 2015. http://www.c-span.org/video/?328731-1/assistant-attorney-general-john-carlin-domestic-terrorism-threat. 37:45.

[115] Ibid. 44:00.

Terrorism Executive Committee, specifically addressed the external radical Islamic terrorist threat, without a word about internal American threats.[116] Prior to the DTEC rekindling, the DOJ released a counterterrorism white paper that possessed broader language, roping in domestic threats from broad categories, but somehow, in the recent decade, the intent has been dropped in favor of pursuing the Islamic terrorist.[117] The country must shift resources as to create balance between domestic, international, and homeland security intelligence needs. Domestic intelligence must abide by civil liberty protections, thus, an operator's abilities to collect on U.S. citizens within the United States is, and must be, regulated. Perhaps intelligence oversight, however, is not the major barrier, but instead resource management requires new focus.

A major consideration of why the intelligence community focuses so heavily abroad may be seen in the assignment of Joint Duty within the ODNI. Former DNI General James Clapper commented on the transformation of the IC world due to this Joint Duty and how analysts coming together from various disciplines will have a profound impact on growing the ranks of analysts.[118] On the other hand, this arrangement also created a culture of intelligence analysts that are grown under a primarily federal influence, most notably by the Department of Defense. If the primary influencer in that system is the DOD, who is permanently constrained by law from collecting intelligence on U.S. citizens, then the notion of having a robust domestic intelligence collection and counterterrorism program is moot. Joint duty may expand the tradecraft, but it specifically excludes the domestic intelligence focus.

Developing talent is a challenge for any organization. By 2009, the DHS I&A division was organized by assigning analysts to deep dive into their respective domestic terror organizations, gaining a thorough comprehension of their subject matter, but the team was disbanded after the release of a controversial right-wing report.[119] As of 2012,

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[116] Holder, Eric, "Statement by Attorney General Holder on Reestablishment of Committee on Domestic Terrorism," Department of Justice, June 3, 2014, https://www.justice.gov/sites/default/files/nsd/legacy/2014/07/23/06032014-NSD.pdf.

[117] Department of Justice, "Counterterrorism White Paper."

[118] Clapper, "Session 1," 27:20.

[119] Johnson, *Right Wing Resurgence*.

the domestic intelligence collection on non-Islamic domestic terrorism has been organized by region, geographically dividing up areas of responsibility.[120] Dividing the focus across large sums of responsibility with other initiatives may appear standard practice, the method; however, does not work for pursuing an adversary. The DHS I&A spread young analysts across the country to take over regions before they were well-versed in the various threats. Distributing analysts as such effectively removed subject matter experts from their research and forced them to collect and analyze information on groups with which they were unfamiliar.[121]

The primary issue addressed here is the disconnect between the tactical level law enforcement and the federal and state domestic intelligence policies and organizational structure. Law enforcement agencies and officers are in the greatest danger from violence-minded Sovereigns, yet due to the organizational issues of the domestic intelligence arm of our government and the gaps in domestic terrorism policy, officers are forced to face the Sovereign Citizen with minimal training or no training what so ever. Some departments have taken it upon themselves to conduct research and devise training plans for their officers. For example, the Florida Sheriffs Association developed a comprehensive training video in concert with other agencies, such as the West Memphis Police Department which tragically lost two officers, Brandon Paudert and Bill Evans, that far surpasses any attempt by DOJ, FBI, DHS, or any government entity.[122] Local departments are partnering with nongovernment organizations, like the SPLC, to build their training plans, not the FBI or DHS. Warnings and indicators should be delivered by federal and state domestic intelligence agents, via fusion centers and networks, not from media outlets and NGOs. Without a procedural change within the intelligence community, the warnings will remain absent.

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[120] Ibid. 166.

[121] Ibid. 166.

[122] Florida Sheriffs Association, "Sovereign Citizen Training for Law Enforcement HD," YouTube video, 14:12. October 16, 2015.https://www.youtube.com/watch?v=ALPs_n0WQaY.

C. SOCIAL CONDITIONS

Several authors have offered theories to explain why Sovereigns engage in criminal acts and paper terrorism. Collective Behavior Theory, originally articulated by Neil Smelser in 1965, is used by Arnold Baldoza, NPS Graduate, to assess the right-wing political fringe.[123] Baldoza explains that "collective behavior is determined by structural conduciveness, structural strain, growth and spread of a generalized belief, precipitating factors, mobilization of participants for action, and the operation of social controls."[124] Baldoza asserts that

> Although major social structures (i.e., structural conduciveness, structural strain, and ideology) in the contemporary United States create a climate within which right-wing extremism can emerge and flourish, the lack of an influential leader to unify the far right and the effective operation of existing social controls—including the rejection of right-wing ideologies by mainstream Americans—hinder the mobilization of the domestic far right.[125]

Essentially, Baldoza argues that a single unifying leader plus an American public that approves or permits the activity, are necessary for the growth of the movement. I argue against the need for centralized control for movements. Communications networks, social media, and technology have replaced the booming leaders' voice. With persistent and recycled messages floating in the electronic ether, the ideology endures despite the lack of a single unifying leader. Furthermore, the American mainstream may not reject the far right-wing entirely, but instead may sympathize to some degree, while rejecting violence. Rejecting violence is not the same as rejecting the sentiment.

Lane Crothers explores three synergistic theories: Social Movement, Resource Mobilization, and Political Process as alternative explanations for the rise and decline of right-wing activity. In Social Movement theory, Crothers explains that "individuals who perceive that injustices have been committed against the values and ideals through which

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[123] Neil J. Smelser, *Theory of Collective Behavior*, 13th ed. (New York: Free Press, 1965), http://archive.org/details/theoryofcollecti00smel.

[124] Arnold C. Baldoza, "Assessing Domestic Right-Wing Extremism Using the Theory of Collective Behavior" (Master's thesis, Naval Postgraduate School, 2009).

[125] Ibid.

they define the purpose of their lives, the nature of right and wrong, and the purposes and ends of the community's shared life, are likely to react and push for social change."[126] For Sovereigns, the perceived injustice could be acute, for example a traffic citation, or systemic—as in the belief in the straw-man and a fictitious corporate government.

Crothers also writes that the growth of movements can be attributed to resource mobilization theory as

> movements emerge whenever the political system provides sufficient resources for the movement's development, including splits in the dominant governing consensus within a community, the defection of large numbers of people from traditional patterns of political support and participation, or sudden problems that emerge that government cannot address.[127]

A split in the dominant governing consensus is reflected by the adversarial politics of today's congressional culture. Major societal differences are present in areas with a mayor or governor following either a democratic or republican camp. Social movements, such as the recent Black Lives Matter Movement, represent a sudden problem that the government cannot address. Regardless of a movement's intentions or ideology, it is an indicator of the antecedent conditions supporting resource mobilization theory. Simply put, Crothers' depiction of resource mobilization would call for a special blend of timing and politics that would lend to an uprising and the United States has arrived at that point.

Lastly, Political Process theory, as Crothers explains, consists of three factors:

> organizational strength—well organized, well-supported movements can be expected to last longer…the political context—the distribution of groups and individuals, capacities of state agencies to address movement demands, and the like that influences whether or not a movement can succeed…and possesses a logical reason to exist—when different components of the political system respond favorably to the group, it is more likely to succeed.[128]

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[126] Crothers, *Rage on the Right*.

[127] Ibid.

[128] Ibid.

A structural perspective grows from this theory, where one could deconstruct the movement into one of the three parts. Movements, then, would require organizational strength, a political connection, and a logical reason to exist. Crothers notes that the Patriot movement of the 1990s declined partly due to the change in political context and the increased legislation that countered their actions. On the one hand, increased right-wing political support removed the need for the militias to exist, while, on the other hand, the hardcore cadre moved underground for fear of prosecution, thereby removing their organizational strength.[129] Crothers' would argue then, as politicians support tax reductions, fewer firearm restrictions, and other typically right-leaning agendas that a decline in activity should be expected from groups like Patriot militias. Sovereign Citizens, however, do not necessarily fit this mold.

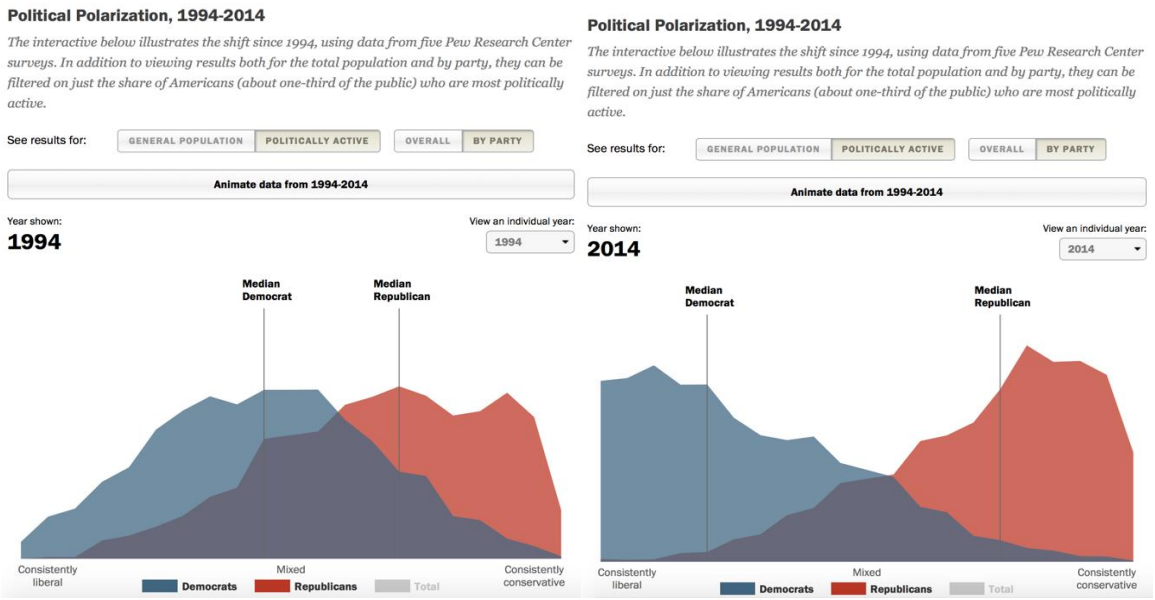
Sovereign Citizens fit into several of the theories above, but not entirely. Social Movement theory, offered by Crothers, presents the best theory available to diagnose the Sovereigns. Over the past decade, the political culture of the United States has reached a chronic level of divisiveness and adversarial politics that emboldens the Sovereign's ideology. A movement with a belief in a corrupt and illegitimate government as a core tenet finds sufficient cause with the existing political polarization. Citizens disillusioned that the cause of their hardships originate from a corrupt system find solace in the thought that the present system is fictional, the incorporated idea brought upon the masses to enslave, not liberate. The further the Sovereign researches into the past, more nuggets of conspiracy are uncovered as they pluck a piece of legislation or statute that meets their need. When the justice official crosses their path and violates that which has become a fundamental principle of their lives, the grievance boils and the Sovereign lashes.

D. POLITICAL CLIMATE

At the time of this writing, Senator Bernie Sanders, Former Secretary of State Hillary Clinton, and Donald Trump were all contending for the 2016 presidential election. The campaign—and most likely the election—is apt to stoke the embers of antigovernment fervor. According to PEW research polls, the present political divide

[129] Ibid.

between left and right, looks more like a canyon rather than a saddle with a void in the moderate center.[130] (See Figure 13.)



Pew Research collected data over a 20-year period comparing the political polarization in America. These two charts reflect the beginning point of the study and end point, which reflects a loss of a politically moderate center. Pew Research's graphic is fully animated and one can visually see the divide take place during the 20-year study.[131]

Figure 13. Pew Research, Political Polarization 1994-2014[132]

President Obama elegantly described the strength of a healthy two-party system

> democracy works when you have two parties that are serious, trying to solve problems, they have philosophical differences, and they have fierce debates, and they argue…where they can sit across the table from one another and have a principled argument and ultimately can still move the country forward.[133]

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[130] L. Street, "Political Polarization in the American Public," Pew Research Center, June 12, 2014, http://www.people-press.org/2014/06/12/political-polarization-in-the-american-public/.

[131] Ibid.

[132] Ibid.

[133] Barack Obama, "Obama Jokes About Donald Trump with Fallon," CNN, YouTube video, 1:47. June 8, 2016.https://www.youtube.com/watch?v=fKeRy1JXY5o. 00:58-1:40.

The political environment over the past decade, however, has not mirrored Obama's comments. Instead, the moderate center is being abandoned and now fringe left- and right-wing comments are more common in the political discourse.

For example, in 2010, an antigovernment extremist named Joseph Stack, loaded his private plane with a drum of gasoline and then proceeded to crash the aircraft into the IRS building near Austin, Texas. He left behind a manifesto detailing his lost bout with the IRS along with other perceived grievances. Less than 60 days following the attack, DHS publicly announced that the attack was personal and not domestic terror. Note that less than year prior, in 2009, the DHS Intelligence and Analysis had been disbanded following the controversial right-wing report.[134] Congress disagreed with DHS and passed House Resolution 1127 in response, declaring the attack was an act of domestic terrorism. Shortly after the attack, House Representative Steve King provided commentary on the matter, "I think if we would've abolished the IRS back when I first advocated it, he [Stack] wouldn't have a target for his airplane…and I'm still for abolishing the IRS."[135] Senator Ted Cruz and others were also heard on their 2016 presidential campaign trail espousing the same rhetoric.[136] In other words, calls for such measures as abolishing the Internal Revenue Service—which one may expect to hear only from extremists—also come today from sitting senators, house representatives, and presidential candidates. Not to say that some elected representatives are terrorist sympathizers, but the volatile messaging and adversarial politics, coming from both the left and the right, lend credence to the Sovereign Citizens, as well as other violent movements. As such, Smelser's collective behavior theory manifests here, as the "growth and spread of a generalized beliefs" begin to find a home in both mainstream discussions and Sovereign teachings.

A Sovereign's belief system lives on the same political plane as the country's founders, past presidents, and mainstream public ideals that dominate the thoughts of

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[134] Johnson, *Right Wing Resurgence*.

[135] Ibid. 155-157.

[136] Ted Cruz, "Abolish The IRS," YouTube video, 1:28. February 6, 2016.https://www.youtube.com/watch?v=QLxTvMgozcg. 1:20-1:25

what American means. The movement spans the various flavors of Christian, Islamic, Moorish, Patriot, Militia, and common criminal Sovereigns. Believing that the government is illegitimate does not mean the Sovereign believes that the previous American government system was wrong. Hating the IRS for imposing what they feel are unfair tax laws does not mean that they are against taxation for public goods. Sovereigns are Americans, citizens of the state, who have a baseline belief in the freedoms afforded in the constitution. This paragraph is not intended to defend the actions of Sovereign extremists. It is necessary, however, to identify how closely the movement follows mainstream American beliefs, despite their stance on the status quo.

To place the Sovereign Citizen movement into context, compare it against an extreme Islamic fundamentalist terror organization, such as ISIS or Al-Qaeda. Terror organizations such as these do not possess a collective system that follows anything remotely like that of the United States. Ideas about what government should or should not be differs drastically from a consolidated democracy. Notions of civil liberties and guaranteed freedoms do not align either. Thus, counterterrorism policy makers, media outlets, police, and the American public have little trouble with labeling organizations such as ISIS and Al-Qaeda terrorist threats. Labeling a U.S. citizen as a terrorist because he or she fired a weapon at an IRS building over having to pay an adjusted minimum tax, seems more difficult for fellow Americans and policy makers. Sovereigns share similar beliefs, frustrations, and values that most Americans possess. Possessing parallel beliefs, however, does not lessen the impact of their terrorist acts, nor does it excuse their intentions. Parallel beliefs may simply delay policy makers and the public from describing the act with the necessary level of heinousness to garner the appropriate level of response.

The U.S. antiterrorism policies and legislation have carried a narrow focus on a singular adversary for the past three decades; foreign and Islamic, the bad guys from abroad. Funding, resources, technology, and human capital have been invested in building the capacity to counter the foreign borne radical Islamic terrorist threat. The capacity to address domestic non-Islamic terrorist threat has been neglected. Moreover, the basic theories of social movements that have applied for the past decades, in some

cases 50 years, are still applicable today. The political climate and discourse perpetuated by the current U.S. government leaders further bolster the Sovereign Citizen message. Due to a lack of issue saliency, the public and the responsible agencies do not possess the awareness necessary to feel the need to devote resources toward countering the Sovereigns. The United States is ignoring a rapidly metastasizing cancer. One in which the responsible parties are aware, but have instead chosen to focus on other matters. The growth is becoming exponential and will soon lead to catastrophe if not addressed immediately and deliberately with policy that reflects balance among the domestic intelligence practices.

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V. CONCLUSION

My brothers and sisters in blue across the nation face challenges that the public may never comprehend. Every day they must engage with violators of the law, violators of the basic institutions of the United States. It has been my pleasure to work towards a product that may contribute to their safety as well as guide future policy makers toward effective solutions when dealing with movements such as the Sovereign Citizens.

As a U.S. Air Force Security Forces officer with 18 years of experience, 11 years of which were spent enlisted, I approached my thesis requirement with one focus, protect my family. That family spans the federal, state, local, and tribal lines of jurisdiction as well as the citizens of this amazing country. Prior experience within the fields of antiterrorism and crime prevention had exposed me to incidents such as the Oklahoma City bombing and siege events at Waco, Texas, but as I delved into the homeland security curricula, I quickly noticed the glaring difference between the abundant government information Islamic, foreign terror threat and the non-Islamic domestic terror threats. The tragic reports of officers meeting their fates at the hands of domestic extremists should have stoked action. Moreover, officers may have a better chance at survival if the culture of domestic intelligence were more balanced. Acts of paper terrorism could have been averted were simple administrative procedures identified with the courts. But efforts at saving officers from harm and safeguarding victims of Sovereign tactics have been neglected. The growth of the Sovereign Citizen Movement stands as a single case study, but I speculate that threats of a domestic nature extend beyond this fringe group. If the United States does not take action swiftly, then violent social movements of this century may be the downfall of our nation. Putin, ISIS, or some other external threat will not cause our ruin, for we have thoroughly demonstrated our resolve to combat an external threat. Our true challenge is one within and one we have avoided far too long; we need to address our own actions and behaviors within our borders.

One will find that I have uncovered the story of the Sovereign Citizen in an effort to paint a comprehensive picture for policy makers, police departments, and researchers.

Sovereign activity is on the rise at an alarming rates. As the background information summarized, the Sovereign ideology is widespread with tactics finding roots in the antigovernment activity by the Patriot Militias of the 1990s; however, the ideology is now adopted by a much broader consortium including the Moorish Movements and demographics outside the typical stereotype. The quantitative look at 548 Sovereign Citizen cases over the past ten years as demonstrated an increasing frequency in incidents with each year. A qualitative study within the past five years, accounting for 440 of those cases provided detailed insight into the regional concentrations, court statistics, as well as specific criteria such as target and tactic preference. Further the study shed light on nuances regarding Sovereign Representation and filing procedures that were previously undetected and unreported. While suspected by scholars and the FBI, I have proven that Sovereigns primarily target justice officials through frivolous filing. Government officials are in the crosshairs, as are the court rooms, but anyone crossing their paths and oppose their will are fair game in the eyes of a Sovereign.

I conclude here with various policy recommendations, intended to safeguard court staff and time, defend our fine police corps, reform the domestic intelligence culture, and advise future legislation to ensure that domestic terrorism policy is balanced between threats foreign and domestic.

A. RECOMMENDATIONS

1. The Courts

Frivolous filings clog the courts. As demonstrated in Chapter III, Sovereigns lost 396 of the 440 cases spanning the past five years, the majority of which were because the Sovereign failed to state a claim and were meritless, despite the massive paperwork filed. Judges applied sanctions against only two Sovereigns. Furthermore, 86 percent of cases were dismissed without prejudice, allowing the Sovereign to amend the filings and submit the frivolous action again and again. As the frivolous cases are filed, the paperwork flows through the courts, delaying other's legitimate proceedings, and eventually requires the review of a judge, some cases reaching as high as the Circuit Court of Appeals.

In order to combat this action, I recommend that the courts, nationwide, implement a procedure to review submissions at the time of entry, requiring that a plaintiff, appellee, petitioner, or any other individual seeking court action, provide a summary of the claim on a top page of the filing. Similar to an executive summary. A succinct statement of what the accused did to wrong the plaintiff, what the petitioner seeks, or what the appellee claims for relief. A single page document or form can be provided at the time of filing, or completed ahead of time, filled in by the individual or attorney. 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.

Several courts were identified as having the most experience with Sovereign Citizens. The U.S. District Courts of Southern and Eastern Illinois, California, and New Jersey, as well as the Seventh Circuit Court represent the top five courts comprising the most interaction with the Sovereign rhetoric. I recommend further study into the procedures of these and other courts to identify best practices, poor practices, or potential dangers that can be grafted into procedural and programmatic changes. The best method of how to counter the Sovereign in the courtroom is buried in the experience held within the body of knowledge of the courts. If the courts goal is to counter the Sovereign's damaging actions, then the best method is to identify best practices held within the collective knowledge of the courts.

2. Department of Justice

Data collection for the purposes of analysis on domestic threats requires improvement. Databases and research tools that act as repositories of information, such as Lexis, National Crime Information Center, and other technology within the community require updates so they can provide analysts and researchers with the means to quickly mine for criteria. Technological solutions are possible. The study I performed took

immense time, which I suspect is why the study is the first of its kind. My efforts only uncovered a fraction of the story. Without the tools, analysts cannot provide the tactical insight for law enforcement on the ground.

The DOJ must mature domestic antiterrorism training to include Sovereign Citizen indicators and actions. While I appreciate the efforts of the Florida Sherriff's Association, the West Memphis Police Department, and the SPLC, a training regimen must be developed to educate every single police officer, court room staff member, and the like to educate them of the potential threat they face every day. Civilian organizations can remain partners and should provide the external analysis, but they should not be the sole analysis. Training should be incorporated into the use of force scenario based training as well as subject interaction training. A recent publication by Wexler detailed 30 steps to improve use of force by the police, with improving an officer's ability to de-escalate as one of the primary themes.[137] Enhancing skills in verbal judo and additional exposure to the Sovereign ideology may improve the officer's survivability and effectiveness during the Sovereign Citizen encounter. Simply stated the officer's need exposure to the situations in training, advisement on the range of indicators and tactics, and information on the true scope of the problem to effectively safeguard their communities as well as themselves.

3. Intelligence Community

A common theme across the IC following September 11, 2001, was to break down barriers of communication and to open up the stovepipes of collection efforts. James Clapper identified the problem inherent to such a strategy when he said, "stovepipes…are often the home of the tradecraft…those agencies are responsible for championing the disciplines that is a very important function and one of the greatest strengths of the intelligence enterprise."[138] Relating Clappers comments to the initiatives following 9/11, the IC may be broader, yet shallower than it once was. As Zegart coined,

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[136] Chuck Wexler, Guiding Principles on Use of Force, Critical Issues in Policing Series (Washington D.C: Police Executive Research Forum, 2016).

[137] Clapper, "Session 1," 28:00.

"organization matters…the structures, cultures, and incentives of U.S. intelligence agencies critically influence what they do and how well they do it."[139] I have argued at length that the current culture within the intelligence community is one that rewards the analyst with thwarting an ISIS plot, but not the analyst that uncovers a systemic domestic threat.

Capacity within the domestic intelligence requires bolstering. In terms of stove piping, the stove pipe for countering domestic non-Islamic terrorism is missing. Perhaps it became stale, perhaps the events following 9/11 promoted the outward focus. The ODNI, FBI, and DOJ must rebalance efforts, or bolster where necessary, to ensure that capacity exists across the spectrum of domestic intelligence. Analysts need to possess deep knowledge on the threat, not merely shallow knowledge about a region. Then, when the analysts covering a militia uprising brings a case, pay attention. When an analyst presents an emerging threat by ISIS in the United States, pay attention. But give both equal attention, without favoring the latter.

4. Legislation

As an overarching theme of this work, balance must be found between the distribution of financial and human resources to combat all of the United States' threats. Presently, the legislation supporting U.S. counterterrorism efforts influences a culture among the responsible agencies to pursue only the foreign borne, Islamic terrorist activity, while ignoring the domestic cancer within. I argue that legislation reform is necessary in regards to the IRTPA of 2004.

Chapter IV included details on how the IRTPA created major structural changes delineated between foreign, domestic, and homeland security intelligence, but it did not require that a balance was struck between investments and capacity within each of the three realms. As a result, investments in foreign intelligence and foreign counterterrorism launched and domestic intelligence suffered. The IRPTA must be amended to prescribe specific parameters for investment between foreign, domestic, and homeland security intelligence.

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[138] Zegart, *Spying Blind*.

B. FINAL THOUGHTS

Sovereign Citizens threaten Americans on a daily basis, yet no organized response exists to counter the rising threat. Government agencies responsible for mounting a response are subject to influential forces that guide their narrowly focused policy. Since 9/11, our legislation, intelligence community, and counterterrorism agencies have supported a system that rewards actions aimed at thwarting the foreign borne, Islamic terrorist organization and thereby neglecting the domestic non-Islamic threat. In the gap, these violent social movements have grown in membership and continue to target government officials, justice officials, and regular citizens. The current political discourse, with its adversarial culture, provides fuel for the movement. Extreme statements by politicians and unbelievable government shutdowns legitimize notions of a corrupt and fraudulent system the mind of a Sovereign.

Police officers are on the literal front lines, and our public is endangered by the Sovereign ideology. Legislation must be reformed to force a balance in resources and personnel between foreign, domestic, and homeland security intelligence and counterterrorism. Courts can adjust administrative processes to filter out most of the Sovereign Citizens frivolous filings. The DOJ can adjust basic law enforcement training principles to include identifiers and use of force considerations for the Sovereigns as well as any social movement adherent. More and more complete information about the Sovereigns is, thus, indispensable to all such efforts to manage the Sovereign threat.

APPENDIX. SOVEREIGN ACTIVITY BY STATE AND YEAR

Sovereign Citizen Activity by State and Year												
	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	Total
AL		4	4	4	2							14
AK	1		1			1						3
AZ		2	1	2	1			1		1		8
AR		1										1
CA	3	18	4	3	3	1	1			1	1	35
CO	1	1	1			2				1		6
CN												0
DE	1	1										2
FL	3	8	3	4			3	1	1	1		24
GA		2	5	5	4	4						20
HI		3	1									4
ID				1			1			6		8
IL	2	16	14	10	4	2		1	1			50
IN	1		3	2	5	1				1		13
IA					2							2
KS	1	1	1	1	1	1		1				7
KY	1	1		1								3
LA												0
ME			1			1					1	3
MD	2	12	4	1								19
MA												0
MI	1	3	4	2	1		2				2	15
MN	1	1	3		1							6
MS				2	1	1						4
MO	3	2	3	3	4	2				1		18
MT				1								1
NE					1							1
NV		1	1	1				1				4
NH				1	1	1						3
NJ	2	1	3	3	7	7						23
NM		2		3								5
NY	1	7	8	3	3							22
NC	2	8	3	3	4	3	1					24
ND												0
OH	4	9	2	4		2		2		1	2	26
OK	1			1								2
OR			1		1	1		1				4
PA	2	9	4	5	5	3	1				1	30
RI		2										2
SC		3	4	4	1	1			1	1		15
SD	1				1							2
TN		8	6	2	5	2	1		1			25
TX	6	6	1	1	1						2	17
UT				2		2					1	5
VT			1	2								3
VA	1	1	1	2	1						1	7
WA			2		2	1	1					6
WV		1		1	1	1		1				5
WI	1	7	4	3	3	4	2			1		25
WY	1											1
D.C.			1	1	1		1			2		6
USVI		1										1
N/A												18
Totals	43	142	95	84	67	44	14	9	4	17	11	548

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SUPPLEMENTAL

The database of Sovereign Citizen case contents and methods are detailed in Chapter II, including specific information regarding each column and how the information was obtained. In short, the database reflects the results and findings of the author's review of 548 cases spanning from April 2006 to April 2016. Quantitative analysis was possible for the past 10 years based on the general information extracted. Qualitative analysis was possible for the past five years, as further detail was extracted from this time period. Time constraints prohibited the same level of analysis for the entire 10-year span.

Those interested in obtaining the supplemental must contact the Naval Postgraduate School Dudley Knox Library.

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