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MASTER OF MILITARY STUDIES

The Sovereign Citizen Threat: Mitigation Through Law Enforcement Action

SUBMITTED IN PARTIAL FULFILLMENT
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Executive Summary

Title: The Sovereign Citizen Threat: Mitigation Through Law Enforcement Action

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Thesis: Despite misconceptions that Sovereign Citizen Extremist antigovernment violence is mostly reactive in nature, Sovereign Citizen Extremists actually plan acts of violence just as frequently. These acts of domestic terrorism are a threat to the United States and law enforcement in particular. To mitigate planned and reactionary Sovereign Citizen Extremism, law enforcement must capitalize on existing partnerships via innovative investigation and intelligence sharing while simultaneously initiating broader community collaboration.

Discussion: Sovereign Citizens are anti-government adherents who consider the US government illegitimate. They view themselves as independent from the US government and maintain the prerogative to select the rules and laws by which they abide. Sovereign Citizens form many of their beliefs on eccentric interpretations of government documents. Sovereign Citizens also infuse their anti-government theories into historical events to generate a belief system which pits the government against individual freedoms. Sovereign Citizens exhibit a range of behaviors derived from their anti-government belief system. Though not all of these behaviors are criminal or violent in nature, the anti-government essence of their ideology can influence some Sovereign Citizens to violate the law. When Sovereign Citizens' crimes involve threats or violent acts against government personnel, this behavior constitutes domestic terrorism. This thesis examines Sovereign Citizen Extremist acts of violence to determine if the incidents are reactive or proactive in nature and which government sector is most likely to be targeted. This thesis then proposes measures to mitigate the Sovereign Citizen threat.

Conclusion: This thesis examined three separate reports which documented Sovereign Citizen Extremist incidents. The reports demonstrated that Sovereign Citizen Extremists reacted with violence during unexpected encounters with government officials. The data also revealed that Sovereign Citizen Extremists planned acts of violence with approximately the same frequency as they spontaneously committed acts of violence. This conclusion refutes perceptions that Sovereign Citizen Extremists mostly use violence after government officials confront them. The data also concluded that the vast majority of Sovereign Citizen violence was directed toward law enforcement personnel. Officers not only encountered Sovereign Citizen Extremists while enforcing the law, but Sovereign Citizen Extremists plotted violent acts against the officers. To successfully mitigate the Sovereign Citizen threat, law enforcement officers must enhance their investigative coordination and intelligence sharing at local, state, and federal levels to achieve harmony of efforts. Additionally, because Sovereign Citizens exhibit unique behavior indicators which impact diverse segments of the population, broader community collaboration across these segments will result in more robust investigations.

DISCLAIMER

THE OPINIONS AND CONCLUSIONS EXPRESSED HEREIN ARE THOSE OF THE INDIVIDUAL STUDENT AUTHOR AND DO NOT NECESSARILY REPRESENT THE VIEWS OF EITHER THE MARINE CORPS COMMAND AND STAFF COLLEGE OR ANY OTHER GOVERNMENTAL AGENCY. REFERENCES TO THIS STUDY SHOULD INCLUDE THE FOREGOING STATEMENT.

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Table of Contents

	Page
EXECUTIVE SUMMARY	i
DISCLAIMER	ii
TABLE OF CONTENTS.....	iii
PREFACE.....	iv
INTRODUCTION	1
HISTORY	3
IDEOLOGY AND BELIEFS	4
ACTIVITIES.....	7
ANALYSIS OF VIOLENCE.....	9
PROPOSED MITIGATION STRATEGIES	13
CONCLUSION.....	24
ENDNOTES	26
BIBLIOGRAPHY.....	32

Preface

My decision to research the Sovereign Citizen Movement stems from my desire to better understand the impetus for Sovereign Citizen Extremist violent behavior. With a better understanding of what prompts these domestic terrorists to engage in violent actions, I hope to mitigate their harmful impact on society. Additionally, I hope to mitigate Sovereign Citizen Extremist violence perpetrated against law enforcement personnel. Law enforcement officers selflessly risk their lives protecting and serving our communities. When Sovereign Citizen Extremists specifically target law enforcement officers, simply because the officers are performing their duties, this appalling criminal activity requires deliberate attention. I hope my research and conclusions can minimize the threats against our nation's brave law enforcement officers.

I would like to express my gratitude to Dr. Eric Shibuya. His knowledge, patience, and guidance proved indispensable while I prepared this paper. I am very appreciative for conference group seven military faculty LTC David Hyman and the rest of the group who provided encouragement and examples of intellectual excellence which motivated me to complete this paper. I would also like to thank my daughter whose persistent academic achievements shamed me into performing my best. I would especially like to thank my wife, who graciously endured my countless hours in front of the computer while inspiring me to overcome my daily bouts of writer's block.

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Introduction

Sovereign Citizens are anti-government adherents who consider themselves independent from the government, and thus they maintain the prerogative to select the rules and laws by which they abide. The contemporary Sovereign Citizen Movement derived its anti-government ideology from the Posse Comitatus Movement.¹ Inculcating Posse Comitatus ideology into their own philosophies, Sovereign Citizens consider the US government as illegitimate.

Paradoxically, Sovereign Citizens form many of their beliefs on eccentric interpretations of government documents such as the US Constitution. Sovereign Citizens also infuse their anti-government theories into historical events to generate a belief system which pits the government against individual freedoms. Sovereign Citizens exhibit a range of behaviors derived from their anti-government belief system. Though not all of these behaviors are criminal or violent in nature, the anti-government essence of their ideology can influence some Sovereign Citizens to violate the law. When Sovereign Citizens' crimes involve threats or violent acts against government personnel this behavior constitutes domestic terrorism. This thesis argues that contrary to perceptions that Sovereign Citizen Extremist antigovernment violence is mostly reactive in nature, Sovereign Citizen Extremists actually plan acts of violence just as frequently. This thesis argues these acts of domestic terrorism are a threat to the United States and law enforcement in particular. This thesis proposes that to mitigate planned and reactionary Sovereign Citizen Extremism, law enforcement must capitalize on existing partnerships via innovative investigation and intelligence sharing while simultaneously initiating broader community collaboration.

Sovereign Citizens of varying typologies belong to the complex Sovereign Citizen Movement. Sovereign Citizens manifest their anti-government beliefs along a continuum of behavior ranging from benign to extreme. When a Sovereign Citizen merely espouses beliefs, this may be First Amendment protected behavior within the benign range of the continuum. However, Sovereign Citizen anti-government beliefs can also drive criminal behavior. As Nevada Police Officer Jim Seebock described, Sovereign Citizen ideology is not illegal, but law enforcement officers will begin to investigate Sovereign Citizens when they combine their ideology with criminal activity.² Sovereign Citizen criminal behavior is a distinguishable typology along the behavior continuum. This type of criminal behavior must be motivated by Sovereign Citizen ideology, otherwise it is simply a crime committed by a Sovereign Citizen for personal reasons. For example, a Sovereign Citizen refusing to pay taxes to protest government intrusiveness should be characterized as an ideologically motivated crime. Conversely, if a Sovereign Citizen steals a car *only* for personal benefit, that activity would not be characterized as an ideologically motivated criminal act. When Sovereign Citizens threaten or commit acts of violence in furtherance of their anti-government ideology, at the extreme end of the continuum, that constitutes Sovereign Citizen Extremism. Sovereign Citizen Extremism is congruent with the definition of domestic terrorism outlined in Title 18 U.S.C. § 2331 (5).³ Hence, Sovereign Citizen Extremists are considered domestic terrorists.

This thesis begins by outlining the history of the Sovereign Citizen Movement starting with its Posse Comitatus and Tax Protest origins. It then discusses core Sovereign Citizen ideologies and the resultant Sovereign Citizen activities centered on these beliefs. Next, this thesis examines Sovereign Citizen acts of violence. It determines Sovereign Citizen Extremists commit proactive violent acts with about the same frequency as reactive violent acts, and that

Sovereign Citizens are most likely to target law enforcement officers.⁴ This paper concludes with a proposal to mitigate planned and reactionary Sovereign Citizen Extremism by law enforcement capitalizing on existing partnerships via innovative investigation and intelligence sharing while simultaneously initiating broader community collaboration.

History

According to Dr. Mark Pitcavage, Sovereign Citizens are the “direct ideological descendants of Posse Comitatus.”⁵ In 1878, the US Congress passed Posse Comitatus, Latin for “Power of the County”, to restrict US Army reconstructionist activity in the post-Civil War South.⁶ In 1969 Henry Beach and William Gale, who combined white supremacist and anti-Semitic beliefs with anti-government philosophy, formed the Sheriff’s Posse Comitatus.⁷ As its name implies, the Sheriff’s Posse Comitatus rejected all government authority beyond the county, and it recognized only the Sheriff as its legitimate public representative. Financial hardships made Posse Comitatus anti-government theories more popular. For example, the Posse Comitatus Movement became more popular during the 1980s farm crisis.⁸ Many farmers, who faced bankruptcies due to high interest rates, the Soviet Union grain embargo, and devaluation of their land, found hope in the Posse Comitatus claim that taxes should not be paid.⁹ Farmers and anyone else impacted by these circumstances were a receptive audience for Posse Comitatus anti-government rhetoric. Stephen Kent explained these individuals felt victimized by government policies, which they blamed for their financial hardship, resulting in their hostility toward the government.¹⁰

Another Sovereign Citizen anti-government philosophy was borrowed from tax protest theory. In the 1960s, Arthur Porth claimed the Sixteenth Amendment, which granted Congress the power to “lay and collect taxes on incomes”, violated the Thirteenth Amendment as it forced

citizens into involuntary servitude.¹¹ Sovereign Citizens adopted tax protest philosophies and employed anti-tax arguments to justify nonpayment of taxes. According to Department of Justice (DOJ) tax attorneys Jen Ihlo and Erin Pulice, Sovereign Citizens claim: “There is a Fifth Amendment right not to file tax returns. The Sixteenth Amendment was not properly ratified. Only federal employees and residents of the District of Columbia are required to pay taxes.”¹² Sovereign Citizens also believe they do not have to pay taxes on their real-estate property or on items they produce with their own hands.¹³ Tax protest lineage and Posse Comitatus lineage remain prevalent within contemporary Sovereign Citizen doctrine.

Ideology and Beliefs

Sovereign Citizens, with their anti-government heritage, promulgate ideology focusing on alleged government efforts to undermine their God-given freedoms. A core tenet of Sovereign Citizen ideology involves the Fourteenth Amendment.¹⁴ Sovereign Citizens perceive the Fourteenth Amendment as a surreptitious contract that attempts to deceive natural state born citizens into unwittingly accepting US citizenship.¹⁵ Sovereign Citizens believe the Fourteenth Amendment created two types of citizens: those who accept the Fourteenth Amendment and become US or federal citizens, and those who reject this contract and affirm their “de jure” or sovereign citizenship.¹⁶ If citizens do not take steps to reject the Fourteenth Amendment contract, they become US citizens and are required to follow US laws.

Originally, the Sovereign Citizen Movement adopted Posse Comitatus racist and anti-Semitic ideologies. The modern Sovereign Citizen Movement appears to have disregarded these racist beliefs and attracted followers from diverse backgrounds.¹⁷ As more African-Americans join the Sovereign Citizen Movement, they generate their own anti-government ideologies. Moorish Sovereign Citizens, who derived their name from the Moorish Science Temple of

America, believe African-American Moors lived in North America before Native Americans.¹⁸ As an aboriginal population who predate the US government, Moorish Sovereigns contend they are afforded special privileges. Moorish Sovereign Citizens also believe a treaty between the US and Morocco, the original home of the Moors, grants them immunity from US law.¹⁹ As the Sovereign Citizen Movement diversified it began to attract an international audience. Though Sovereign Citizens' anti-government contempt remains focused on the US government, some anti-government sentiments have migrated across US borders to countries such as Canada, New Zealand, and Australia.²⁰ Despite this international expansion, there does not appear to be an organized Sovereign Citizen transnational network.

Sovereign Citizens in the US have no shortage of Constitutional centric theories to support their anti-government beliefs. For example, Sovereign Citizens believe the US Constitution has been suspended since the "1933 War and Emergency Powers Act."²¹ Sovereign Citizens use this terminology to refer to emergency banking legislation passed in 1933 that amended the "Trading with the Enemy Act of 1917."²² Sovereign Citizens contend this legislation gave the Executive Branch unconstitutional emergency powers. In addition to their aforementioned views regarding the Fourteenth and Sixteenth Amendments, Sovereign Citizens assert there was an alternate Thirteenth Amendment. The "original" Thirteenth Amendment would have denied US citizenship to anyone who held or accepted a title of nobility.²³ Sovereign Citizens believe attorneys, who hold the nobility title of Esquire, conspired to repress the amendment. According to Sovereign lore, the British initiated the War of 1812 to prevent ratification of the amendment.²⁴ Nonetheless, this Amendment was ratified, but a group of attorneys kept it secret until President Lincoln replaced it with the current Thirteenth Amendment.²⁵ Because Sovereign Citizens reject most aspects of the US Constitution, in

addition to other governmental laws, they are forced to find an alternative solution for legal matters.

Sovereign Citizens choose to acknowledge *common law* instead of laws ratified by an “illegitimate” legislative branch. The Legal Information Institution defines common law as, “Law that is derived from judicial decisions instead of from statutes.”²⁶ Sovereigns have abjured the government court system because they claim the courts no longer adhere to common law. Sovereigns contend that common law, which originated following the Revolutionary War, was eroded by the Thirteenth Amendment, Fourteenth Amendment, and the Civil Rights Act.²⁷ The courts’ alleged exodus from common law practice drove Sovereign Citizens to convene their own common law courts to dispense justice.²⁸ Sovereign Citizens believe the US changed from common law to admiralty law either during the Civil War or when the US abandoned the gold standard in 1933.²⁹ Under admiralty law, which Sovereigns consider synonymous with commercial law, the government operates under military authority and can unduly impose regulations upon its citizens.³⁰ To counter government imposed admiralty or commercial law restrictions, Sovereign Citizens employ strategies leveraging the Uniform Commercial Code (UCC). The UCC is “a comprehensive set of laws governing all commercial transactions in the United States.”³¹ Sovereign Citizens will routinely reference specific UCC codes while conducting financial transactions. Sovereign Citizens also assert the government divides citizens into two separate entities, the corporate shell (strawman) and the living person (flesh-and-blood person). By affixing UCC codes to banking instruments or other documents, Sovereign Citizens consider that transaction to have taken place with their corporate shell and not with the flesh-and-blood person.

According to Sovereign Citizen legend, when the US abandoned the gold standard, the government collateralized citizens' future earning potential to reduce foreign debt.³² The collateralized entity became the strawman, and the government reduces its foreign debt using tax revenue from the strawman's earnings.³³ Sovereign Citizens think their birth certificates serve as a type of savings bond for their strawman funds held in accounts at the US Department of Treasury. To gain access to these funds, Sovereign Citizens must engage in "severation", a process to sever their corporate strawman from their flesh-and-blood person.³⁴ To begin the severation process, Sovereign Citizens must make a sovereignty declaration and have it recorded at a Secretary of State office or other recording office.³⁵ Additionally, Sovereign Citizens accomplish severation by nullifying implicit government contracts made when citizens obtain social security cards, marriage licenses, birth certificates, and other government issued documents.³⁶ Severation can also be achieved by signing documents with red ink, applying thumb prints to documents, using special stamps, writing with unusual symbols, using unorthodox capitalization, and other similarly unusual practices.³⁷ After severing their corporate strawman from their flesh-and-blood person, Sovereign Citizens may file a UCC-1 statement to preserve the value of their strawman account.³⁸ Sovereign Citizens then try to utilize redemption schemes to access "their" strawman funds held in their fictional Treasury Direct Accounts at the US Treasury.³⁹

Activities

Sovereign Citizen redemption schemes involve illicit financial transactions, often using fraudulent documents, to draw money from these nonexistent Treasury Direct Accounts. This is one of the many types of illegal activities in which Sovereign Citizens partake. Other illegal activities involve altering or producing fraudulent government documents or license plates to

reflect their sovereign status. This stems from Sovereign Citizens claiming to have an unassailable right to travel without hindrance of government regulation.⁴⁰ As with redemption fraud, Sovereign Citizens may participate in various financial fraud schemes such as mortgage fraud, real property fraud, tax fraud, bank fraud, and money laundering. Each one of these schemes is based on or in furtherance of Sovereign Citizen ideology. For example, Sovereign Citizens may use fraudulent banking instruments drawn upon their fictitious strawman accounts to reduce their mortgage liability or to pay off other debts. Sovereign Citizens may also refuse to pay income tax or submit fraudulent tax returns because they reject the government's authority to tax them. Another type of Sovereign Citizen crime involves targeting government officials with fictitious liens, unsanctioned bankruptcy filings, and bogus arrest warrants. Also known as paper terrorism, this is a retaliation tactic against government officials and results in bogus financial encumbrances on officials' real estate holdings and credit reports.⁴¹

Sovereign Citizen use of violence is the most extreme criminal offense. Extending back to its Posse Comitatus roots, violent tendencies linger within the Sovereign Citizen Movement. Bill Gale formed the Posse Comitatus to "promote armed insurrection."⁴² Cofounder Henry Beach stated it was appropriate for the Posse to execute government officials if they broke the law or violated their oaths of office.⁴³ Although the modern Sovereign Citizen Movement is devoid of a hierarchical structure, some individuals emerge who purport to be legal and doctrine experts and carry the title "guru."⁴⁴ Sovereign Citizen Guru Alfred Adask stated, "We have the right to keep and bear arms in order to shoot our own politicians. We have the right to keep and bear arms in order to shoot the police, to shoot your local government officials, your state officials, your president, your congressmen, your senators."⁴⁵ With the proliferation of information on the Internet providing right-wing ideological support and tactical training for

violent action, the Internet can become a surrogate leader for Sovereign Citizens seeking instruction and guidance for extremist activity.⁴⁶ Thus, if Sovereign Citizen Extremists are seeking ideological support or information for committing a violent act, they can consult their history, their gurus, or the Internet. Some Sovereign Citizens have embraced these violent precepts by harming or planning to harm government officials in furtherance of their ideology. This thesis will now examine these Sovereign Citizen domestic terrorism incidents.

Analysis of Violence

Sovereign Citizen Extremists have exhibited an inclination to use violence to resist government authority.⁴⁷ Specifically, Sovereign Citizen Extremists have been known to react violently when challenged by law enforcement officers.⁴⁸ This thesis examines if Sovereign Citizen Extremist violence is primarily triggered by encounters with government personnel, or if they typically plot premeditated attacks on government personnel. This thesis also examines incidents of Sovereign Citizen Extremist violence to ascertain what type of government officials are involved. This thesis argues Sovereign Citizen Extremists commit spontaneous acts of violence against government personnel with approximately the same frequency as they commit premeditated acts of violence. This thesis also argues most Sovereign Citizen Extremist threats and acts of violence are perpetrated against law enforcement officers.

To assess the validity of these arguments, this thesis analyzed historical Sovereign Citizen Extremist acts and threats of violence. This thesis reviewed three reports that captured violent terrorist and extremist incidents: “Terror from the Right”⁴⁹ by the Southern Poverty Law Center (SPLC), “Homegrown Terror - Explore 9 Years of Domestic Terrorism Plots and Attacks”⁵⁰ by the Center of Investigative Reporting (CIR), and “Anti-government Extremism in America – Violent Acts and Plots in the United States, 2000 -2018”⁵¹ by J.J. MacNab. Different

reports were reviewed so varying research methodologies could be included in this analysis. Each report was distinct in that it captured incidents of Sovereign Citizen Extremist violence over different periods of time. The reports varied how they characterized Sovereign Citizens which contributed to different incidents being included in each report. Although each report did not explicitly define Sovereign Citizens, the SPLC and MacNab have previously used different definitions. The SPLC characterized Sovereign Citizens as individuals who only conform to select government rules, who defer to common law rather than “admiralty law”, and who believe the government created a corporate person for each flesh-and-blood person.⁵² MacNab explained, “The most basic definition of a Sovereign is someone who tries to rationalize doing something illegal by manipulating the meaning of words, relying on fabricates or out of context quotes, and editing history itself.”⁵³ This broader definition of a Sovereign Citizen resulted in more Sovereign Citizen incidents being included in MacNab’s report. For instance, neither the SPLC nor the CIR databases characterized the Bundy standoff in Nevada as being affiliated with Sovereign Citizens, whereas MacNab did include this as a Sovereign Citizen incident. The CIR report used various definitions of Sovereign Citizen as it compiled data from various sources.⁵⁴

While examining these reports, this thesis annotated only those incidents that reflected Sovereign Citizen Extremists acts or threats of violence due to or in furtherance of Sovereign Citizen ideology. For example, each report referenced Sovereign Citizen Scott Roeder who murdered abortion provider George Tiller in 2009.⁵⁵ Roeder committed this act of violence in accordance with anti-abortion ideology not Sovereign Citizen ideology. As anti-abortion views are not inherent within Sovereign Citizen ideology, this incident was not included as a Sovereign Citizen act of violence in this thesis. For the purpose of this review, if a Sovereign Citizen violently reacted to an encounter with a member of the US government, this was considered

consistent with Sovereign Citizen anti-government ideology and annotated as a Sovereign Citizen Extremist incident.

“Terror from the Right” listed US terrorist incidents, including Sovereign Citizen incidents, committed by the radical right since 1995. From among those Sovereign Citizen incidents enumerated in this report, this thesis used the criteria listed supra and classified fifteen incidents that took place from 1995 through August 2019 as Sovereign Citizen Extremist incidents.⁵⁶ Eight incidents involved planned attacks while seven incidents were reactive. Five of the eight planned events targeted law enforcement officers whereas all seven reactive events involved law enforcement officers. These Sovereign Citizen Extremist acts included the 1995 Oklahoma City bombing.⁵⁷ Terry Nichols, who helped Timothy McVeigh plan the attack on the Alfred P. Murrah Federal Building, was a Sovereign Citizen Extremist.⁵⁸ In summary, a slight majority of the Sovereign Citizen Extremist cases were planned, and at least eighty percent of the events involved law enforcement officers.

“Homegrown Terror - Explore 9 Years of Domestic Terrorism Plots and Attacks” compiled US terrorism incidents occurring from 2008 to 2016. This thesis determined fourteen of the incidents listed in the database should be considered Sovereign Citizen Extremist events.⁵⁹ Seven incidents involved planned attacks and seven incidents were reactive in nature. Five of the seven planned events targeted law enforcement officers, and all seven reactive events involved law enforcement officers. Sovereign Citizen Extremists killed nine victims and wounded twelve others. In summary, the Sovereign Citizen Extremist incidents were equally divided between proactively planned events and spontaneously reactive events. Over eighty-five percent of the events involved law enforcement officers.

J.J. MacNab, a Fellow at the George Washington University Program on Extremism, authored the third report, “Anti-government Extremism in America – Violent Acts and Plots in the United States, 2000 -2018.” This report documented anti-government plots and attacks since January 2000. This thesis determined seventy-nine of the incidents listed in the report should be considered US Sovereign Citizen Extremist events.⁶⁰ Forty-two incidents involved planned attacks and thirty-seven incidents were reactive in nature. Twenty-five of the forty-two planned events targeted law enforcement officers, and all thirty-seven reactive events involved law enforcement officers. In total, Sovereign Citizen Extremists killed twenty-one victims and wounded twenty-six others. There were five more planned attacks than reactive attacks, and over seventy-eight percent of the incidents involved law enforcement officers.

The data compiled by the SPLC report, the CIR database, and MacNab’s report support this thesis position that Sovereign Citizen Extremists plan violent acts against government personnel about as often as they engage in reactive violence against government personnel. Sovereign Citizen Extremists have repeatedly demonstrated their proclivity to react violently during unplanned interactions with government officials. According to the SPLC, a “desperate, angry, battle-weary and cornered” Sovereign Citizen may react with violence against the next government official they encounter.⁶¹ This thesis strived to ascertain how often Sovereign Citizens commit unplanned *and* planned acts of violence. Interestingly, both the SPLC report and MacNab’s report indicated Sovereign Citizen Extremists engaged in slightly more planned plots of violence than they participated in reactive attacks. There appears to be a perception that more reactive assaults occur. A likely reason is reactive attacks with victims garner more attention than disrupted plots without casualties. Domestically, law enforcement officers tend to encounter extremists more than other government officials.⁶² Law enforcement officers are the

first responders to violent extremist incidents, and they may also encounter Sovereign Citizens while performing routine enforcement duty. According to the FBI, “If a law enforcement officer challenges a Sovereign Citizen’s ideology (e.g., a standard traffic stop for false license plates), the behavior of these Sovereign Citizen Extremists quickly can escalate to violence.”⁶³ Thus, it was anticipated there would be a higher rate of Sovereign Citizen violence correlated with law enforcement interactions. The SPLC report, the CIR database, and MacNab’s report supported this thesis position. Sovereign Citizen Extremists plotted or threatened violence against law enforcement officers much more often than they committed or threatened violence against other categories of government personnel.

Proposed Mitigation Strategies

The most effective strategy to alleviate the Sovereign Citizen threat must include law enforcement capitalizing on existing partnerships via innovative investigation and intelligence sharing while simultaneously initiating broader community collaboration. As outlined in the aforementioned reports, Sovereign Citizen Extremists have harmed hundreds of victims. Since 2016, Sovereign Citizen Extremists have committed twenty-five violent acts.⁶⁴ As the Sovereign Citizen threat persists, law enforcement action is essential. This thesis concluded that many Sovereign Citizens plan attacks. Those attacks that are planned afford law enforcement officers an opportunity to disrupt violent attacks via proactive investigation. Although some Sovereign Citizen criminal activity may not present an explicit threat of violence, lawful investigation into their criminal behavior may reveal pending plots of violence. As law enforcement officers are more likely to become involved in violent encounters with Sovereign Citizens, it is especially important for them to glean information about all Sovereign Citizen criminal behavior. This thesis proposes that enhanced law enforcement investigative coordination and refined

collaborative information sharing will mitigate the Sovereign Citizen threat. Even though these actions should prove beneficial in other domestic terrorism investigations, some investigative and collaborative efforts are unique to Sovereign Citizen mitigation efforts. For instance, due to Sovereign Citizens' emphasis on financial fraud schemes, law enforcement officials can collaborate with financial institutions to identify common Sovereign Citizen schemes. Also, law enforcement officers can collaborate with Secretaries of State and Clerks of Court to proactively identify and disrupt Sovereign Citizen redemption schemes and fictitious filings. Sovereign Citizens even exhibit distinguishable behavior, such as proselytizing Sovereign Citizen beliefs, while they are in prison. This presents opportunities for specialized joint investigations and information sharing with correctional officials. Thus, law enforcement officers have unique opportunities to mitigate the Sovereign Citizen threat by specific investigative techniques and distinct partnership collaborations.

As described supra, Sovereign Citizen Extremists are considered domestic terrorists. The Federal Bureau of Investigation (FBI) has lead agency responsibility to investigate terrorism, and other federal agencies must report terrorism information to the FBI.⁶⁵ The FBI bears the responsibility for "the collection, coordination, analysis, management and dissemination of intelligence and criminal information" pertaining to terrorism.⁶⁶ The US Attorney General reinforced the FBI's terrorism authorities by designating the FBI as the lead federal agency for both domestic and international terrorism investigations.⁶⁷ The FBI defines domestic terrorism as "violent, criminal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature."⁶⁸ This definition is congruent with both the Code of Federal Regulations and the US Criminal Code.⁶⁹ Under these authorities, the FBI is the principal federal law

enforcement agency to investigate Sovereign Citizen Extremists. However, this does not prevent other agencies from also addressing Sovereign Citizen threats. Concurrent Sovereign Citizen Extremist investigations may take place across multiple jurisdictions, but coordination with the FBI is essential to ensure harmony of resources and effects.

In addition to its statutory authority, the FBI has both the infrastructure and resources to conduct and coordinate investigations on Sovereign Citizen Extremists across the US. Central components of the FBI's domestic terrorism investigation and intelligence architecture are the FBI's Domestic Terrorism Operational and Analytical Units.⁷⁰ These FBI headquarters units manage, coordinate, and support operational investigations and intelligence efforts in the FBI's fifty-six field offices.⁷¹ The FBI also administers the Terrorist Screening Center (TSC) that maintains the Terrorist Screening Database (TSDB) of known or suspected international and domestic terrorists.⁷² At the FBI field office level, FBI Special Agents and Joint Terrorism Task Force (JTTF) officers investigate domestic terrorism.⁷³ These FBI JTTFs are comprised of local, state, and federal employees from law enforcement, security, and intelligence agencies. In 2017, approximately 4,000 law enforcement officers, from more than 550 agencies, served on FBI JTTFs.⁷⁴ During his August 2017 appearance before the Senate Homeland Security and Governmental Affairs Committee, FBI Director Christopher Wray testified the FBI was conducting about 1,000 domestic terrorism cases, and the FBI had arrested 176 domestic terrorism subjects in the last year.⁷⁵ Director Wray also stated "the Bureau does not specifically distinguish between domestic and international terrorism in its budget, but instead shifts agents and analysts seamlessly between squads depending on the particular threat assessment."⁷⁶ Thus, the FBI has the capability to surge resources to address Sovereign Citizen threats as necessary.

These investigating and supporting elements within the FBI organization allow the FBI to conduct and coordinate expansive Sovereign Citizen Extremist investigations.

The FBI's dispersed investigative capabilities, organic within field offices, allow the FBI to glean comprehensive investigative insight into the Sovereign Citizen Extremist threat across the US. The FBI's ability to expand its investigative perspective beyond the geographic bounds of local or state jurisdictions enables the FBI to formulate a broader and more complete framing of the Sovereign Citizen Extremist problem set. Armed with extensive and diverse knowledge about the Sovereign Citizen threat, the FBI has the capability to coordinate investigative efforts among local, state, and federal agencies.

Law enforcement agencies have recognized the importance of multi-level cooperation to address the Sovereign Citizen threat. Law enforcement coordination, specifically with FBI JTTFs, was identified as a key principle by DOJ's Community Orientated Policing Services (COPS) program as a method to socialize community concerns that cross jurisdictional boundaries.⁷⁷ FBI headquarters and field office elements can facilitate predicated investigative coordination on Sovereign Citizens with other law enforcement, security, and intelligence agencies. The composition of the JTTFs allows local, state, and federal task force officers to liaise with their respective agencies to coordinate investigations and share formation. Research by the Rand Corporation concluded JTTFs successfully facilitate multi-jurisdictional terrorism investigations and exchanges of information.⁷⁸ The National Consortium for the Study of Terrorism and Responses to Terrorism (START) determined that state, local, and tribal law enforcement agencies found the FBI JTTF one of the most useful agencies for terrorism information.⁷⁹ In addition to local and state agencies, federal agency coordination is also supported by the JTTF framework. FBI JTTFs can have federal member agencies such as the

Drug Enforcement Agency, US Secret Service, and the Federal Aviation Administration.⁸⁰

Specialized federal agencies may also participate. For instance, the Treasury Inspector General for Tax Administration participates in the FBI JTTF to help address Sovereign Citizen Extremist threats to the Internal Revenue Service.⁸¹

In addition to coordinating investigative efforts to counter Sovereign Citizen Extremism, the FBI is also responsible for intelligence activities pertaining to Sovereign Citizen Extremists. The FBI's fifty-six field offices span across the US and enable the FBI to synthesize geographically dispersed intelligence data to recognize Sovereign Citizen trends and emerging threats. Intelligence Analysts, either at FBI headquarters or in the FBI field offices, may conduct analysis on raw intelligence to produce appropriate intelligence products.⁸² These products are then shared among the FBI's law enforcement, intelligence, and security partners. Additionally, the FBI TSC provides a mechanism for agencies to share Sovereign Citizen Extremist intelligence via the TSDB. Law enforcement officers, as well as security and intelligence officials, may submit information about Sovereign Citizen Extremists to the FBI for input into the TSDB. This information will then be available to other agencies if they encounter or investigate Sovereign Citizen Extremists.

Information sharing among law enforcement agencies, intelligence agencies, and security organizations is crucial to mitigate the Sovereign Citizen Extremist threat. Although the FBI has the statutory requirement to lead federal law enforcement agencies in counterterrorism intelligence activities, it is essential for agencies at all levels to participate in the intelligence process. Local law enforcement officers may encounter Sovereign Citizens while performing routine law enforcement functions. These officers may collect intelligence during these encounters for eventual dissemination to other agencies.⁸³ Local law enforcement officers may

utilize regional fusion centers, a multi-agency organization comprised of law enforcement, intelligence, and security professionals, to share this intelligence.⁸⁴ Captain Thom Jackson with the Nevada Department of Public Safety/Nevada Highway Patrol emphasized the need for information sharing to counter Sovereign Citizens' attempts to elude law enforcement detection.⁸⁵ If police agencies increase their terrorism intelligence capabilities, this may lead to a reduction in extremist violence and less risk to officers.⁸⁶ START research determined that law enforcement agencies that engage in more information sharing initiatives and cultivate more partnerships, as well as train their personnel in such activities, will realize greater success with their intelligence programs.⁸⁷

This thesis proposes that intelligence sharing and coordination among law enforcement agencies should not cease if a Sovereign Citizen is incarcerated. Although routine interactions between prison officials and law enforcement officers take place, a greater degree of coordination and collaboration must take place when countering the Sovereign Citizen threat. Imprisonment should significantly curtail the Sovereign Citizen's ability to commit an act of violence or conduct criminal activity. Nonetheless, incarcerated Sovereign Citizens often continue criminal activity and begin instructing other prisoners about Sovereign Citizen ideology.⁸⁸ There is even a notebook called "The Prison Packet" that outlines Sovereign Citizen tactics for freeing themselves from prison and receiving cash remuneration in the process.⁸⁹

If correctional officers receive advanced information regarding a Sovereign Citizen who is pending incarceration at their facility, correctional officers can be extra vigilant for violations and criminal activity committed by these inmates. Prison officials may consider segregating Sovereign Citizens who may pose a threat to guards or other inmates. Segregation may also be an option to keep Sovereign Citizens from proselytizing violence or criminal activity to other

inmates. Sovereign Citizens may produce fraudulent documentation to enter correction facilities as religious volunteers to recruit inmates for criminal activity.⁹⁰ Correctional officers should scrutinize religious volunteers who visit Sovereign Citizen inmates by researching the hierarchy of their religious organization to verify its legitimacy.⁹¹ Correctional officers should be mindful that Sovereign Citizens may target them. Incarcerated Sovereign Citizens may engage in anti-government violence against correctional officials, or they may file bogus liens against these officials.⁹² Given Sovereign Citizens' distinct criminal behavior, correctional officers should increase their collaboration with other agencies concerning such activity. Sharing such information may help identify trends and prevent unlawful behavior in other facilities.

In addition to law enforcement officers and correctional officers exchanging Sovereign Citizen information, this thesis proposes that court officials should be included in the information sharing process. Law enforcement and correctional officers' duties include interacting with the courts, but they must be exceptionally vigilant when coordinating Sovereign Citizen cases so court officials can anticipate potential Sovereign Citizen antics. Sovereign Citizens believe they are exempt from US judicial proceedings and as flesh-and-blood persons they are only subject to common law courts. Sovereign Citizens may challenge the authority of the court, flood the court with motions, and may even file complaints with the State Bar.⁹³ A Sovereign Citizen may reject the court's legitimacy and claim the court is an admiralty court due to the presence of a military flag (a flag with gold fringe). Sovereign Citizens may insist upon verification that all members of the court have a current oath of office.⁹⁴ The court should anticipate inane and frivolous legal arguments based upon Sovereign Citizen beliefs. To compound the problem of nonsensical legal motions, Sovereign Citizens will likely reject representation from an attorney. This stems from Sovereign Citizen beliefs that attorneys are not only members of a corrupt governmental court

system, but attorneys are royalty due to their use of the title Esquire. The Sixth Amendment, which guarantees legal representation for a defendant, provides legal standing for Sovereign Citizens to represent themselves pro se.⁹⁵ In addition to these escapades in the courtroom, Sovereign Citizens may engage in retaliatory acts by filing fictitious liens against judges or other members of the court. Finally, whenever dealing with Sovereign Citizen Extremists, there is always the potential they will engage in violent acts against court officials.

Law enforcement officers must take extra measures to forewarn the courts about Sovereign Citizen defendants and their history of unruly behavior so the courts can prepare to counter some of the Sovereign Citizens' actions. If a courtroom has a flag with gold fringe, the court can replace it with a fringeless flag during the Sovereign Citizen's appearance to forestall this objection.⁹⁶ Courts can ensure oaths of office are current or have officials prepared to administer oaths if a Sovereign Citizen demands such verification.⁹⁷ Courts can add extra bailiffs or additional security measures if a Sovereign Citizen Extremist defendant has demonstrated a past proclivity for violence. This may seem like a standard practice for violent defendants, but Sovereign Citizen Extremists specifically target government (court) officials. Federal prosecutors should be familiar with the Court Security Improvement Act. This act makes it a felony to retaliate against federal judges and federal law enforcement officers by filing a false lien.⁹⁸ State prosecutors should research similar provisions in state law. By receiving advanced information about Sovereign Citizen defendants, the court can be prepared to exercise patience and steel itself for outlandish courtroom behavior. Conversely, the courts can recognize indications of Sovereign Citizen behavior and provide leads to law enforcement officers concerning a heretofore unknown Sovereign Citizen threat.

To counter the Sovereign Citizen threat, this thesis proposes that law enforcement officers should expand their traditional outreach initiatives to include unlikely partners such as Secretary of State offices. Personnel working in Secretary of State offices, who are responsible for UCC filings, may encounter Sovereign Citizens when the Sovereign Citizens attempt such filings. Therefore, law enforcement personnel should have regular contact with Secretary of State officials to advise them of possible interactions with Sovereign Citizen criminals and extremists. Sovereign Citizens will often prepare harassing, strawman, and authentication filings.⁹⁹ Harassing UCC filings include bogus property liens and fictitious financing documentation.¹⁰⁰ Strawman UCC filings involve fraudulent redemption claims against nonexistent treasury accounts. Authentication filings involve Sovereign Citizens' efforts to make bogus financial instruments appear authentic by filing them with the Secretary of State.¹⁰¹ If law enforcement officers are aware of a Sovereign Citizen's particular scheme, they can advise Secretary of State officials about the details and prevent fraudulent or harassing documents from being filed. Although some Secretary of State offices have little discretion in filing UCC documents, in some states employees can use a pre-filing administrative remedy to reject fraudulent documentation.¹⁰² Secretary of State offices are also a potential source of information for law enforcement officers. Employees at the Secretary of State could identify Sovereign Citizens who are attempting to file suspicious documents, and they could provide this information to law enforcement for investigative action.¹⁰³

This thesis proposes that law enforcement officers must also engage non-government affiliated civilians who may come into contact with Sovereign Citizen criminals or extremists. Law enforcement officials have traditionally engaged with employees at financial institutions such as banks and credit unions when conducting white collar crime or bank robbery

investigations. Officers investigating Sovereign Citizens should also collaborate with the financial sector as many Sovereign Citizens use these institutions as part of their fraud schemes. Sovereign Citizens will use various counterfeit financial instruments in their fraud schemes and redemption schemes. If their fraud scheme involves financial instruments that normally pass through banks or credit unions, such as checks, the financial institution will likely become aware of the fraudulent activity before law enforcement agencies. Law enforcement officers can engage in proactive Sovereign Citizen information sharing with bank security officers or other bank personnel. Having been sensitized to potential Sovereign Citizen activity, the financial institution employees could then prevent illicit transactions and notify law enforcement. Absent prior law enforcement coordination, employees may simply file a Suspicious Activity Report to the Financial Crimes Enforcement Network without connecting the criminal activity to Sovereign Citizens. Thus, information sharing can prevent illegal financial activity from occurring and also provide evidence for law enforcement action.

This thesis proposes that law enforcement officers should expand Sovereign Citizen information sharing to the broader community through symposiums, surveys, and outreach to civic organizations. Law enforcement outreach to a wide spectrum of community representatives will demonstrate law enforcement's concern about the community and their desire to build trust.¹⁰⁴ Law enforcement officers can host symposiums that discuss Sovereign Citizen criminal behavior. The symposium audience should include a diverse consortium of community leaders from academia, the military, religious organizations, financial institutions, elected officials, nongovernmental organizations, as well as law enforcement, intelligence, and security services. Provided the symposium speakers do not mention current investigations on Sovereign Citizens, they may address general Sovereign Citizen activities or cases that have been

adjudicated. Law enforcement officers may also meet directly with the aforementioned civic organizations to engage in more targeted discussions about Sovereign Citizen criminal or extremist activity. Law enforcement officers may use surveys and intelligence products to simultaneously collect and provide information regarding Sovereign Citizen illegal behavior. After identifying appropriate community partners, law enforcement officers should send them tailored intelligence reports detailing pertinent Sovereign Citizen activity which could impact them. When sending the intelligence reports, officers should also include surveys to solicit information from the recipient about their Sovereign Citizen dealings. These community outreach initiatives will educate civic partners about Sovereign Citizen concerns while concurrently broadening law enforcement's understanding of the Sovereign Citizen threat.

Information sharing should naturally evolve into training. This thesis argues that Sovereign Citizen training is especially important for law enforcement officers as they constitute the group most targeted by Sovereign Citizen Extremists. As Sovereign Citizen threat information and intelligence is collected, law enforcement officers should draw from this collective knowledge base to begin formulating a structured training program to educate fellow officers and partners. Of paramount importance is training local, state, and tribal law enforcement officers. These officers need to become familiar with Sovereign Citizen Extremists behavior as they may be the first officials to encounter them.¹⁰⁵ In addition to Sovereign Citizen training within their own departments, local, state, and tribal authorities may request training from the FBI. FBI training could address Sovereign Citizen criminal and extremist tactics and trends prevalent in different sectors of the country. This training could inform regional law enforcement officers of future threats which have not yet manifested in their area. DOJ's COPS program recommended that law enforcement officers educate community members about the

extremist threats they may encounter.¹⁰⁶ During an interview with “The Intelligence Report”, Greensboro Police Detectives Kory Flowers and Rob Finch explained that they did not limit their Sovereign Citizen training to law enforcement officers, but they expanded it to include the broader government community.¹⁰⁷ For Sovereign Citizen training to remain relevant, the training process should constantly incorporate best practices derived through empirical research.¹⁰⁸ The more educated the government and public becomes about Sovereign Citizen threats, the more capable the overall community will become to mitigate these threats.

Conclusion

Sovereign Citizens consider the US government illegitimate, and they participate in bizarre practices to sever themselves from perceived government servitude. Upon becoming Sovereign Citizens, they declare their immunity from government authority and only recognize select laws and rules. Their disregard for government authority and rule of law often results in Sovereign Citizens committing crimes in furtherance of their ideology. When government officials respond and take enforcement action against them, Sovereign Citizen Extremists may react violently. However, Sovereign Citizen Extremists are just as likely to proactively plan acts of violence against government officials. These spontaneous and planned acts of domestic terrorism have resulted in hundreds of casualties. Because of this enduring criminal threat, law enforcement must actively investigate Sovereign Citizen Extremists. The FBI should be the lead federal agency to address this domestic terrorist threat, but law enforcement agencies at all levels should participate in coordinated investigations. Law enforcement officers should be especially vigilant of Sovereign Citizen threats as officers are the most common victim of Sovereign Citizen violence. Whether it’s their myriad fraud schemes, frivolous courtroom motions, prison tactics, or illicit UCC filings, the unique behavior of Sovereign Citizens presents an opportunity

for law enforcement to collaborate with multiple community partners. Information and intelligence sharing across the broader community will help inform the community about Sovereign Citizen criminal activity and focus law enforcement efforts. Therefore, this thesis proposes that to mitigate planned and reactionary Sovereign Citizen Extremism, law enforcement must capitalize on existing partnerships via innovative investigation and intelligence sharing while simultaneously initiating broader community collaboration.

¹ Daryl Johnson, *Right Wing Resurgence How a Right Wing Domestic Terrorist Threat is being Ignored*, Lanham, Md: Rowman & Littlefield Publishers, 66-67. <https://ebookcentral.proquest.com/lib/usmcu-ebooks/reader.action?docID=1021166>. Like the Posse Comitatus Movement, the modern Sovereign Citizen Movement considers all forms of government illegitimate except the County Sheriff. Instead of relying on rules and regulations from government institutions, both Posse and Sovereign followers rely upon their own rules derived from common law.

² Ed Payne, "Police: Sovereign Citizens Plan to Execute Las Vegas Cops," *CNN.com*, August 23, 2013, <https://www.cnn.com/2013/08/23/us/las-vegas-police-kidnapping-plot/>.

³ Crimes and Criminal Procedure, Title 18 U.S.C. § 2331 (5). "The term 'domestic terrorism' means activities that— (A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; (B) appear to be intended— (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily within the territorial jurisdiction of the United States."

⁴ This thesis utilizes a descriptive method to compare frequency rates of reactive versus proactive Sovereign Citizen violence. This thesis did not use a statistical comparison to evaluate the probability of planned versus spontaneous violent incidents, but such a quantitative comparison may be a worthwhile endeavor for a future research paper.

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⁸ Timothy G. Baysinger, "Right-wing Group Characteristics and Ideology," *The Journal of the NPS Center for Homeland Defense and Security, Homeland Security Affairs* 2, Article 3 (July 2006), 4, <https://www.hsaj.org/articles/166>.

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¹⁰ Stephen A. Kent, "Freemen, Sovereign Citizens, and the Challenge to Public Order in British Heritage Countries," *International Journal of Cultic Studies* 6 (2015), 2, <https://skent.ualberta.ca/wp-content/uploads/2015/06/Freemen-Internl-J-of-Cultic-Studies.pdf>.

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¹⁴ US Const. amend 14. sec 1, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

¹⁵ David Fleishman, "Paper Terrorism: The Impact of the Sovereign Citizen on Local Government," *The Public Law Journal* Volume 27 Number 2 (2004), 7, http://hflegal.net/wp-content/uploads/2017/06/paper_terrorism.pdf.

¹⁶ Michael Crowell, "A Quick Guide to Sovereign Citizens," *Administration of Justice Bulletin*, UNC School of Government 4 (2015), 2.

¹⁷ Leah Nelson, "Sovereigns in Black," *Intelligence Report*, Southern Poverty Law Center, August 24, 2011, <https://www.splcenter.org/fighting-hate/intelligence-report/2011/%E2%80%98sovereigns%E2%80%99-black>.

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