

Sovereign Citizens: Threats to Our Courts?

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Sovereign individuals claim to be non-citizens of the state and subscribe to the erroneous belief that no government—state or local—has authority over individuals. These individuals often have homemade driver licenses, license plates, and identification cards. Sovereign defendants refuse to submit to the court's jurisdiction and claim, for example, that the municipal court is unconstitutional, the municipal prosecutor does not have the authority to prosecute, or that the Legislature is without authority to pass the laws of which the defendant is accused of violating. Improperly citing the Uniform Commercial Code, the Holy Bible, and a host of other texts, sovereign defendants can pose unique arguments, and often file numerous petitions and motions, in an attempt to confuse and even frustrate the judicial system. Such defendants, however, like other difficult defendants with whom the court comes into contact, must be adjudicated in a fair and judicious manner, and a clerk's interaction with these defendants should reflect the same. The court's interaction with these citizens could also present security concerns when those in the court are unprepared or unaware of these citizens' beliefs and tactics.

By the end of the session, participants will be able to:

1. Describe the origins, characteristics, and significance of the "sovereign citizen movement;"
2. Recognize the presentation, both in person and on paper, of a sovereign citizen; and
3. Identify two critical skills when interacting with sovereign citizen.

I. Sovereign Citizens Movement

A. Who are they?

1. Litigants
2. Commentators
3. Financial Scheme Promoters

B. Ideology and Motivation

1. Exclusive Belief in Natural Law
2. To Live Free from Federal, State, and Municipal Law
3. Subterfuge and Obstructionism

C. Significance

1. In 2010 the Southern Poverty Law Center estimated there are 100,000 "hard core sovereign believers" and 200,000 experimenters.
2. In September 2011, the FBI Counterterrorism Division described them as a "Growing Threat to Law Enforcement"
3. Difficulty in Threat Assessment

II. Identifying Sovereign Defendants

A. Remember from the Outset:

1. If it is government issued, or required by law, the SD is not likely to have it.
2. If it is something lawfully authorized, the SD will not acknowledge the validity of the law authorizing it.
3. They know their objectives and tactics, you should also.

B. Words and Characters: They use legitimate legal terms, sources of information, and characters out of context.

1. References to the Uniform Commercial Code (UCC), Bible, U.S. Constitution, case law, or treaties with foreign governments, international law.
2. Personal names spelled in all capital letters or interspersed with colons (e.g., JOHN SMITH or Smith: John) or other derivative (Ryan of the Family Turner)
3. Signatures followed by the words “under duress,” “Sovereign Living Soul” (SLS), or a copyright symbol (©)

C. Deeds: They love motions practice. This typically means lots of paper.

1. Anticipate standard motions in criminal practice (e.g., “Plea to Jurisdiction,” “Motion to Suppress,” “Motion for Discovery,” “Motion to Dismiss.”)
2. Anticipate “novel” motions. (e.g., “Notice, Grace, and Demand by Declaration,” “Declaration for Notice with Surety Act and Bond,” “Appearance Brief,” “Administrative Notice.”)
3. Clerks are obligated to perform their duties under Sec. 29.010, Government Code and Sec. 30.00009.

III. Critical Skills for Clerks When Dealing with Sovereign Defendants

A. Assessment:

1. Observe
2. Evaluate
3. Communicate (at the proper time)

B. Anticipation

1. SD Goals: Confrontation, Frustration, Distractions, Time Consumption
2. Clerk’s Goals: Be safe! Be patient. Do your job.
3. **REMEMBER:** Don’t take the Bait! That is what they want!