On a Sunday afternoon, Maris Crane was pulled over by the Austin police for failing to show proper Texas registration stickers on her car. When the officer asked her for identification, she refused multiple times, telling the officer that she would not give him her driver’s license because he did not have any authority
over her. Ms. Crane explained that because the car was her personal property she was using to ?travel,? she was not required to register it with the State of Texas. When the officer requested her information several more times, she passed him a stack of papers bearing seals from several government departments and the phrases ?Sovereign Living Soul? and ?UCC 1-207?? printed on them. Ms. Crane began filming the encounter after the officer took the stack of papers. The officer called dispatch for backup when he realized the documents were false. He, and the arriving officers, then blocked in Ms. Crane?s car and placed stinger spikes in front of and behind the car to keep her from driving away.

The officer?s response may at first appear to be an overreaction to Ms. Crane?s behavior. She only made a few legally questionable statements, presented some false documentation with forged departmental seals, and videotaped the police encounter. None of those events seem so egregious that a police officer should feel the need to call for backup and block in a car with other cars and stinger spikes. For the officers, however, these statements, the false documents, and the failure to show proper Texas registration stickers painted a completely different picture. That picture was one of an individual associated with the sovereign citizen movement (sovereign citizens), a recent movement that believes the United States government is illegitimate, attempting to usurp each individual?s sovereign rights. The Federal Bureau of Investigation has recently recognized the sovereign citizen movement as a domestic terror threat for their extreme anti-government beliefs and violent attacks upon peace officers.

People that espouse these beliefs often end up in the criminal justice system. Once there, they are often thought to be mentally ill and incompetent to stand trial. Sometimes they are, sometimes they are not. This article intends to shed light on this quickly growing population, who many of us will encounter in the criminal courts.

I.?What Is the Sovereign Citizen Movement?

The sovereign citizen movement arose from the ashes of the Posse Comitatus, a 1970s extremist racist group that believed the county was the highest seat of government because all other levels of government had engaged in a conspiracy to destroy and override the Constitution. Sovereign citizens are not a militia or organized group with established leadership. Sovereign citizens are typically individuals or loosely associated groups of true believers. This makes them a difficult group to track or count. Although there is no established leadership in the movement, there are several well-known sovereign citizens who are prominent in the media and justice system. In addition, some sovereign citizens host seminars (for a hefty fee) in which they teach newcomers the intricacies of freeing oneself from the illegitimate United States government and fighting it legally.

Sovereign citizens believe that the United States government is illegitimate and operating outside of its jurisdiction. According to sovereign citizen theory, the United States was once governed by ?common law,? when everyone was a sovereign, not subject to any oppressive laws, taxes, or regulations. At some point, the United States departed from the ?common law? system, replacing it with admiralty law, which governs the sea and international commerce. Because of this, sovereign citizens do not recognize the United States or state law, believing that the change to admiralty law marked the transition of the United States from government to corporation. Sovereign citizens believe that their status as sovereign citizens exempts them from the United States laws and tax system. Whereas in common law, where citizens would be free men, under admiralty law, the United States government subjugates all citizens by eliminating the rights given to individuals by the Declaration of Independence and Bill of Rights.

Sovereign citizens differ on when this usurpation of rights occurred. Some believe it occurred with the passage of the Fourteenth Amendment, which created Fourteenth Amendment citizens?essentially slaves under admiralty law. Others argue it occurred when the Federal Reserve Act was passed in 1913. The most prominent view, called Redemption Theory, postulates that it occurred in 1933 when the United States departed from the gold standard. Regardless of when it happened, sovereign citizens believe it marked the
government?s declaration of people as animals, enabling the largest genocide in the world?s history.17 The
derivation of each person?s individual sovereignty is the cause of the sovereign citizen movement.18

Redemption theorists believe that the 1933 departure from the gold standard as the backing for United States
currency marks the replacement of ?common law? with admiralty law.19 At this time, they believe, the
United States government was dissolved due to bankruptcy, resulting in the reformation of the United States
as the United States government-corporation.20 To fund foreign trade agreements and pay off debts to
foreign countries, the United States began to use its citizens as collateral.21 The United States, now a
government-corporation operating under admiralty law, registers people as collateral by way of birth
certificates and social security numbers issued at birth.22 Each citizen?s projected lifetime earnings were
gathered in a ?strawman? account in the United States Department of Treasury when any United States
citizen is born.23 These accounts contain any amount from $300,000 to over more than $20 million.24 The
individual?s rights are then split between the flesh-and-blood individual and the corporate individual created
by the ?strawman? account.25

Sovereign citizens believe that they can free themselves from the illegitimate United States government.26 By freeing themselves from the government, sovereign citizens believe they regain the rights that have been
stolen.27 To do so, a sovereign citizen gives notice to the government that he or she is revoking United
States jurisdiction by filing legitimate Internal Revenue Service and Uniform Commercial Code forms.28
This process may also include the destruction or return of the sovereign citizen?s license, birth records,
mariage license, and social security card.29 For a non-Redemption theorist, these documents inform the
United States that the individual has reclaimed his sovereign citizenship and is therefore no longer subject to
his own personal debt and United States laws, taxes, and registration requirements.30 If the individual is a
Redemption theorist, he or she believes that once these forms are filed, it compels the Internal Revenue
Service to release the funds from the corporate account created for that particular individual?s birth.31

Once they have declared themselves sovereign from the United States government, sovereign citizens
consider themselves to be ?nonresident aliens? who live upon United States land, but are free of any legal
attachment to state or federal government.32 After declaring their sovereignty from the United States
government, sovereign citizens are free men or women, subject only to common law.33 The United States
courts, which operate under admiralty law, do not have jurisdiction over them.34 Only ?common law? courts
set up randomly throughout the country by different sovereign citizens have jurisdiction over them.35

Newcomers to the sovereign citizen movement often find this task particularly difficult, and enroll
themselves in expensive schools and seminars.36 More experienced sovereigns teach seminars in which they
educate newcomers on how to renounce their United States citizenship.37 Other seminars educate
newcomers on how to interpret and apply the law.38 Several of these seminars even teach newcomers how
to exploit money from the Internal Revenue Service, whether or not they believe in the Redemption Theory.
39 There is even a non-ABA-accredited sovereign citizen law school where sovereign citizens can pay to
learn the law.40

Although the sovereign citizen movement may seem like it does not merit national attention or the labeling
of the members as domestic terrorists, sovereign citizens often draw attention to themselves by harassing law
enforcement, court, and government officials. Many times this takes the form of ?paper terrorism,? but there
have been several incidents where sovereign citizens have acted out violently against these officials. Their
behavior toward those associated with the court, government, and law enforcement is generally in
furtherance of their belief that the United States government is illegitimate.41 They will engage in paper
terrorism against those they believe interfere with their status as sovereign living souls by filing liens against
others? real property or flooding the courts with nonsensical documents.42 The liens are used as a means of
damaging credit or financial history.43 During legal proceedings, sovereign citizens will also file massive
amounts of court documents containing nonsensical language, archaic secondary sources, and overruled case
law (typically from the nineteenth century).
Sovereign citizens have their own language, which twists the definitions of seemingly ordinary words—such as "citizen," "common-law court," and "birth certificate"—to support their theory. The problem with this language is that there is no dictionary to interpret it. One can only translate these nonsensical documents if they have been trained to do so. Sovereign citizens often flood the courts with thousands of these documents, filing briefs questioning everything from the in personam and subject-matter jurisdiction of the court to asserting the illegitimacy of the court using overruled case law and a mishmash of secondary sources—the Bible, the Magna Carta, and other legal documents dating back to the early medieval times.

Some sovereign citizens' behavior has escalated beyond paper terrorism, taking the form of aggravated assault and murder. It becomes emotionally taxing when their beliefs continue to be questioned by everyone around them. In 1995, an Ohio sovereign citizen pulled a gun on an officer during a traffic stop. In February 2010, after years of ranting about the illegitimacy of the Internal Revenue Service, a Texas sovereign citizen flew a private plane into an Austin Internal Revenue Service building, killing one tax collector and himself, injuring thirteen others. In May 2010, father and son sovereign citizens shot and killed two Arkansas police officers after being stopped for an illegitimate license plate. Most recently, the Arizona man who shot U.S. Representative Gabrielle Giffords and eighteen others (ultimately killing six) at a constituent meeting was identified as a sovereign citizen.

However, most sovereign citizens do not encourage violence. Most believe that although violence may become necessary because of the despotic illegitimate United States government, it is still a last resort. Although violence is a last resort for most sovereign citizens, they do believe that the Second Amendment ensures the right of individuals to kill politicians such as the president, senators, congressman, government employees, and court officials. This is the Second Amendment's primary purpose. Any other protection given by the Second Amendment is incidental. Beliefs like these and the numerous violent acts by sovereign citizens led the Federal Bureau of Investigation to classify sovereign citizens as domestic terrorists.

Attorneys may have difficulties interacting with sovereign citizens because of their beliefs concerning attorneys. For instance, sovereign citizens believe that if an attorney represents sovereign citizens in court instead of allowing them to defend themselves, then those persons become a ward of the court. In addition, lawyers themselves are not viewed as citizens because they have received a title of "esquire," which sovereign citizens believe is a title of nobility. A title of nobility precludes an individual from having citizenship. Also as members of the American Bar Association, attorneys are franchisees of an illegitimate government-corporation that licenses its franchisees and regulates their activities. For these reasons, sovereign citizens strongly distrust attorneys.

II. How Can I Tell If My Client Is a Sovereign Citizen?

A sovereign citizen does not look or sound a particular way. Typically, in their everyday life, they are indistinguishable from the non-sovereign citizen. They are able to carry on intelligent conversation, make jokes, and hold a job. Only when the conversation turns towards law and the government, or individuals are charged with a crime, do they become vocal about their beliefs and reveal their affiliation.

This is the problem with recognizing a sovereign citizen. Even when asked outright, a sovereign citizen typically will not call him or herself a "sovereign citizen." Instead they will answer that they are individuals seeking the truth, not a "statutory person." What makes sovereign citizens even more difficult to identify is that the movement does not appeal to any one particular demographic. Unlike the Posse Comitatus, the exclusively white radical militia group from which the sovereign citizen movement evolved, the sovereign citizen movement appeals to all races, all ages, all political leanings and affiliations—to people from all walks of life. What connects all people lured into the movement is a common belief that the "system" has targeted them in some way.
There are certain clues that can help you discern if you are dealing with a sovereign citizen, the first being the way individuals sign their name. Sovereign citizens often sign their name in peculiar ways. For example, they might write their names in all capital letters. They may also intersperse their names with seemingly random punctuation, for instance placing a colon between first and last name or first and middle name. This might look like ?Edgar: Allan Poe? or ?Edgar Allan: Poe.? Or maybe even write ?Edgar Allan of the Family Poe? to indicate sovereign status. Sovereign citizens who are proponents of the Redemption Theory believe that the use of odd composition or punctuation in names signifies that they are flesh-and-blood people, not the corporate shell that government established at their birth. In addition, sovereign citizens may write ?under duress,? ?Sovereign Living Soul? (SLS), or a copyright symbol as part of their signature. They may even write ?No Liability Accepted? near their signature if they possess a valid driver?s license or other government identification.

Also look for the odd or seemingly inane use of secondary legal materials, statutes, and overruled, misunderstood, or outdated case law. Their correspondence and other self-produced documents will frequently reference these types of legal materials. Sovereign citizens believe these legal references prove their theories conclusively; whenever they write to or speak with non-sovereign citizens, they will cite these cases and secondary legal sources such as Corpus Juris Secundum, the 1215 Magna Carta, or treaties with foreign governments to explain and prove their point. Also be on the lookout for the phrase ?UCC 1-207? or anything having to do with the Uniform Commercial Code. Because sovereign citizens believe that the Uniform Commercial Code frees them from their Fourteenth Amendment citizenship to the United States, they write it in their correspondence, put it on bumperstickers on their cars, or write it on currency or with their signature if they have legally issued licenses.

The third indicator that a client might be a sovereign citizen is a history of minor criminal charges. These charges might include failure to pay taxes or creation of false license plates, driver?s licenses, and other government documents. These seemingly innocuous charges arise from a refusal to contract with the illegitimate United States government. Although not every client with these charges will be a sovereign citizen, most likely any sovereign citizen an attorney sees will have them.

III. Is Your Sovereign Citizen Competent to Stand Trial?

Sovereign citizens have a bizarre, almost nonsensical belief system that is impenetrable to those not in the know. The first time a lawyer meets a client who introduces him or herself as a sovereign living soul, the lawyer may raise an eyebrow. When the client follows the odd statement with the proclamation that his or her arrest was illegal because the government does not have jurisdiction or authority over them, that attorney?s (completely reasonable) first response may be to consider whether there is some mental illness affecting the client?s competency. The client certainly does not make a better case for himself when he tells the attorney his status as a foreign alien, free from his corporate identity, with natural human rights not afforded to a Fourteenth Amendment citizen. The few studies on the subject, however, conclude that sovereign citizens typically will be competent to stand trial.

Most psychologists and researchers believe that a sovereign citizen is not incompetent to stand trial simply by virtue of being a sovereign citizen. Although sovereign citizens? beliefs appear to be delusional, they typically are not considered delusions sufficient for the diagnosis required for incompetence. Delusional disorder, the mental illness with which a sovereign citizen would most likely be diagnosed, requires that the belief be a non-bizarre delusion. The types of delusions that qualify for the diagnosis are personally held and could possibly happen in real life, and generally relate to the person?s perception of life events. Common examples of qualifying delusions include believing that someone is conspiring against you, or that people are talking about you.

However, widely held and culturally sanctioned beliefs that might be considered delusional in other cultures, but are recognized in one?s own culture, often do not qualify for a diagnosis of delusional disorder.
example, many commonly held religious beliefs may sound delusional to some people. Although they may sound delusional, they are culturally non-native beliefs shared by many individuals and therefore not delusions. Because sovereign citizen beliefs are shared by up to, and maybe exceeding, 300,000 people, the psychologists and researchers who have studied the subject conclude that the sovereign citizen’s odd, seemingly delusional beliefs have been sanctioned and accepted by too many to be considered delusions.

In addition, sovereign citizens will typically not be found incompetent to stand trial because their beliefs do not interfere with their social and occupational functioning. Often sovereign citizens will be successful in their careers. For example, Ms. Maris Crane from the excerpt above successfully held a position as a paralegal at a prominent legal firm for almost 20 years. When attorneys first see their clients, they are in the throes of legal distress. Psychiatrists believe that sovereign citizens would be more preoccupied with their sovereign beliefs in a legal situation. More useful indicators of whether a sovereign citizen’s beliefs are delusional include pre-arrest, social, and occupational functioning and baseline level of preoccupation.

There are, however, instances when a sovereign citizen may be found incompetent. Psychologists and researchers believe that for sovereign citizens, factors other than their beliefs decide competency issues. The biggest factor is an actual mental illness. Jared Lee Loughner, the sovereign citizen who shot Representative Giffords in 2012, was diagnosed as schizophrenic, in addition to being identified as a sovereign citizen. At the beginning of the criminal proceedings, a psychologist found Loughner incompetent to stand trial, diagnosing him with undifferentiated schizophrenia. Although he did espouse sovereign beliefs, he also exhibited diagnostic criteria for a mental illness, outside of the delusional thought content that was similar to sovereign beliefs. Psychologists agree that holding sovereign beliefs does not mean that an individual has a mental illness; however, a person could have these beliefs and still suffer from a mental illness.

Courts have also held that sovereign citizens are not protected by a good faith defense because of their beliefs. The Sixth Circuit recently ruled that a sovereign citizen’s belief that the law does not validly constrain him is not an appropriate matter-of-law defense. In that case, a sovereign citizen provided an officer with a false license when he veered off the road. This license bore the seal of both the Department of Homeland Security and the White House, as well as the phrase All Rights Reserved: Non-Assumpsit? and references to the 1887 United States Supreme Court case Mugler v. Kansas and Title 42, Section 1983 United States Code. The officer arrested him for knowingly counterfeiting the seal of a government agency as well as possessing a false United States identification. The court reasoned that the good faith defense did not apply because the sovereign citizen rejected the authority of the federal and state government and law. This did not stop him from knowingly making and possessing the false identification.

Ultimately, sending a sovereign citizen for a competency evaluation is an attorney’s judgment call. If the evaluating psychologist or psychiatrist is unaware of the sovereign citizen movement and beliefs, the individual may appear delusional because the belief does not appear to fit a cultural standard. In most criminal cases where the psychologist or psychiatrist recognizes sovereign citizen theories in a defendant without an underlying mental illness, the evaluator will make a finding of competency to stand trial. Courts are generally becoming much more aware and far less tolerant of sovereign citizen beliefs and combative attitudes towards government officials, court officials, and the government in general.

Notes

1. All names have been changed to maintain confidentiality.


4. *Id.*

5. *Id.*


11. *Id.*


13. *Id.*


18. *Id.*


25. Id.
26. Id.
27. Id.
28. Id.
35. Id.
37. Id.
38. Id.
42. Id.
43. Id.
44. Adask, *supra* note 17.
47. Southern Poverty Law Center, *supra* note 22.
49. Adask, *supra* note 44.
50. Id.

51. Id.

52. Id.


54. Id.

55. Id.

56. Id.

57. MacNab, supra note 46.

58. Id.

59. Id.

60. Id.

61. Id.

62. United States Department of Justice, Federal Bureau of Investigation, Counterterrorism Analysis Section, supra note 2.

63. United States Department of Justice, Federal Bureau of Investigation, Domestic Terrorism Operations Unit II, supra note 8, at 2.

64. United States Department of Justice, Federal Bureau of Investigation, Counterterrorism Analysis Section, supra note 2.

65. Id.

66. Id.


68. Corpus Juris Secundum (C.J.S.)

69. United States Department of Justice, Federal Bureau of Investigation, Counterterrorism Analysis Section, supra note 2.

70. American Defamation League, supra note 3.

71. Id.

72. United States Department of Justice, Federal Bureau of Investigation, Counterterrorism Analysis Section, supra note 2.

73. See Dusky v. United States, 362 U.S. 402, 80 S.Ct. 788, 4 L.Ed.2d 824 (1960).

75. See American Psychiatric Association, Diagnostic And Statistical Manual Of Mental Disorders 327 (American Psychiatric Association, 4th ed., text rev.).


77. See id.

78. See Pytyck & Chaimowitz, supra note 72, at 153; Novack, supra note 48.

79. See Pytyck & Chaimowitz, supra note 72, at 153; Novack, supra note 48.

80. See Pytyck & Chaimowitz, supra note 72, at 152; American Psychiatric Association, supra note 73.

81. See Pytyck & Chaimowitz, supra note 72, at 153.

82. See id.

83. See id.

84. See id.; Forensic update at 8, United States v. Loughner, No. I I-CR-00187-LABU (2012); Transcript of Competency Hearing, supra note 72, at 20.

85. Transcript of Competency Hearing, supra note 72, at 19.

86. Svoboda, 633 F.3d, at 480

87. Id. at 484.

88. Id. at 480.

89. Id.

90. Id.

91. Id. at 485.

92. See Novack, supra note 48; Transcript of Competency Hearing, supra note 72; Forensic Update, supra note 80, at 5; Pytyck & Chaimowitz, supra note 72, at 153.