

ListServ

The Pledge of (Non)-Allegiance: Sovereign Citizenship

By Brad Cunningham, Municipal Attorney, Lexington, South Carolina

Very recently, we have had a couple instances of a problem many of you have probably also encountered in conducting the business of your local government. We have seen an increase in our dealings with "sovereign citizens." While this is not a new issue in our country, it seems to be growing in popularity.

Our first sovereign citizen, who objected to the use of the term, was pulled over by the police for speeding. Although he produced a valid South Carolina Driver's License, he claimed not to be "driving," but "traveling." His claim is that he cannot be regulated from "travel," citing very old case law that states a person cannot be denied their free right to "travel" the highways and byways of the United States. Unfortunately, his theory left out the part that indicated this right was subject to reasonable restrictions for the safety, protection and well-being of citizens.

The subject was with the police officer on the video, and when the officer tried to hand him a ticket he claimed he "did not need it." He asked the officer if he was "under arrest," and when the officer said "no" the driver announced that he was going to leave. The officer tried handing the ticket to him again, and he began to roll up his window. The officer then slipped the ticket through the window just as it was almost closed.

Although this gentleman claimed he did not have to come to court, he did so anyway, to make his arguments. First, of course, was the lack of jurisdiction argument because the court was not a legitimate court established by the U.S. Constitution. The defendant claimed the Supreme Court, the U.S. Magistrate Courts and Admiralty Court were the only legitimate courts that were allowed to operate under the Constitution. Our Judge, well versed on sovereign citizen issues, was not impressed. Throughout the trial he continuously asked the defendant to "move on," or "hurry" when he drifted into these arguments. It did not end well for the defendant, as a jury unanimously found him guilty. Apparently, the jury was not impressed with his arguments either.

Our second sovereign citizen employed the tactics more intensely. She was pulled over for speeding as well, and failed to produce a valid driver's license. She did, however, produce a passport and papers purporting to show that she was a Diplomat from a sovereign entity with a very long name which we will not repeat. She claimed that the passport was all she needed to drive legally in the United States. Not impressed, the officer gave her a ticket and summons for the traffic violation and also one for driving without a valid license.

A check with the Department of Motor Vehicles shows that her license had been suspended several times in the past, and she was likely ineligible to receive a new one. Before the case came to trial, she filed several complaints against the officer, using papers and language she had apparently "bought" somewhere. The complaints went so far as to name the officer's spouse as well. They were sent to everybody including the Governor.

The court case was called and the defendant showed up with family accompanying her. When her case was called, she was the only defendant left in the courtroom. She addressed the judge and claimed to be the "trustee," for the defendant. The judge asked her for her name, and she replied "I am a woman." The judge asked her if she was the defendant, and she said she was the "trustee" for the defendant. The judge again asked her name, and the circular discussion was repeated twice.

This time, the judge cautioned her, advising "We are not going to do this all day. I'm going to ask you some questions one more time, and if you fail to answer me I am going to hold you in contempt of court. Do you understand?" The defendant replied that she did. (I am not using her name for purposes of this column).

"Are you the defendant?" the judge asked. "I am the trustee for the defendant," she answered. "What is your name, trustee?" replied the judge. "I am a woman," she replied. This time the judge advised the officer on duty to take her into custody.

"I am not the defendant. I am the trustee," screamed the woman. She continued screaming her arguments. "I am a woman. I do not consent to this." The family had to be stopped from approaching the arresting officers. The defendant continued to resist, and it took four officers to subdue her. As they carried her out, she screamed "I'm being kidnapped."

Once removed from the courtroom, the defendant maintained a calm and polite demeanor, and kept so even through her booking at the jail. She has yet to return to court to address the initial traffic charges.

While neither of these defendants liked the term, and even objected to the use of it, both displayed tactics commonly used by and associated with the Sovereign Citizen Movement. Having heard of the movement, and being familiar with some of the tactics of its members, I decided to do a little reading and gather some information on the movement. Many of you may already know much of this, but it starts with the basics.

So-called "sovereign citizens" are a loosely organized collection of individuals and groups who believe they are "above the law and true defenders of the Constitution," according to an ABC report. According to the report, "they follow their own set of rules and many refuse to pay taxes." They basically challenge the legitimacy of the Government, even though they claim to be defenders of the Constitution that created the Government.

Although most sovereign citizens claim to be and are actually peaceful, there are members of the movement that have turned to violence. During a routine traffic stop in Arkansas, one sovereign citizen burst out of his vehicle and shot two police officers with an assault rifle.

Many years ago, an angry Michigan hunter wrote a letter to the State Department of Natural Resources avowing that he was "no longer a citizen of the corrupt political corporate State of Michigan and the United States of America." He claimed only to be answerable to the "Common Laws," and revoked his signature on hunting and fishing licenses which he viewed as "contracts that fraudulently bound him to the illegitimate government of Michigan."

That angry hunter later became known to the world as Terry Nichols, an accomplice to Timothy McVeigh who was convicted of the Oklahoma City Federal Building bombing in 1995. Apparently, McVeigh and Nichols subscribed to a growing right-wing anti-government ideology of which adherents have been increasingly plaguing public officials, law enforcement officers and private citizens with a variety of tactics designed to attack the government and other forms of authority. In various circles, they may also be known as Constitutionalists, Freemen, Preamble Citizens, Common Law Citizens and non-foreign or non-resident aliens.

The Federal Bureau of Investigation classifies the Sovereign Citizens Extremist Movement as "domestic terrorism." The FBI describes these anti-government extremists as those "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."

The FBI reports that many sovereign citizens don't pay their taxes, and hold illegal courts that issue warrants for judges and police officers. They clog up the court with frivolous lawsuits and liens against public officials to harass them. In our case here in Lexington, as has happened in others, the Defendant presented allegedly fraudulent diplomatic papers, claiming to be a diplomat form another country. This raised eyebrows at the federal level.

Indeed, the FBI reports that illegal actions committed by these groups include murder and physical assault, threatening of judges, law enforcement officers and other government personnel, impersonating police officers and diplomats, use of fake currency, passports, license plates and driver's licenses, and mortgage fraud and redemption schemes.

The FBI reports examples such as this: Two California citizens were convicted of an insurance fraud scheme where they set up their own company and sold "lifetime memberships" to customers in which they promised to pay any accident claims against their members. They collected millions of dollars, but paid out very few claims.

In another FBI case in Missouri, three sovereign citizens were convicted of taking part in a conspiracy using phone diplomatic credentials. They charged a fee for a diplomatic ID card which they claimed entitled the holder to enjoy immunity from paying taxes and being stopped or arrested by law enforcement.

In Nevada, four men affiliated with the movement were arrested on federal money laundering, tax evasion, and weapons charges. Two of the suspects allegedly laundered more than a million dollars via what authorities believed was a bank fraud scheme.

Regular seminars are conducted across the country to teach the theories of groups affiliated with the Sovereign Citizen Movement. Even when jailed, sovereign citizens often continue their activities teaching other prisoners their tactics. Prisoners sometimes engage in sovereign citizen activities such as filing bogus liens against law enforcement officials and their families.

In one such instance, a convicted drug dealer in Connecticut filed more than $12 billion in liens against federal judges and prosecutors. According to federal officials, the man learned how to harass people with liens from a fellow prisoner associated with the Montana Freemen.

Currently published information regarding the Sovereign Citizen Movement and related groups is in abundant supply in libraries, government offices and, of course, on the internet. The FBI urges citizens to be crime- smart, and not to fall for the bogus claims and scams of sovereign citizens. Further, the FBI urges citizens to contact the Bureau if they encounter or have any information on such suspicious activities or crimes.

Back in to Lexington, our sovereign citizen, aka "The Trustee," is due to return to court very shortly after being a guest of Lexington County for the past 30 days.

Stay tuned for further developments.

I hope to see as many of you as possible at the IMLA Mid-year Seminar in Washington D.C., where I can let you know the results of the second visit to court by The Trustee.

The prosecution rests, your honor... ML

