

SOVEREIGN CITIZENS vs. FIRST AMENDMENT AUDITORS: WHO YOU ARE DEALING WITH



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IMPORTANT



The sovereign citizen movement origins

Posse Comitatus – founded by William Potter Gale beginning in about 1971

This was an anti-semitic group that developed during the midwest farm crisis. They spread conspiracy, anti-government, and anti-Semitic messages linked to white supremacy aiming to counter what they believed was an attack on their social and political rights as white Christians.



American Sovereign citizens

Began as a racist movement by white American followers who believed the 14th Amendment forced Black Americans, not White Americans, to be subject to federal and state governments b/c of the amendment's language guaranteeing Black Americans' citizenship.



Mellie Legon, *The Sovereign Citizen Movement: A Comparative Analysis with Similar Foreign Movements and Takeaways for the United States Judicial System*, 35 Emory Int'l L. Rev. 297, 300 (2021). Available at: <https://scholarlycommons.law.emory.edu/eilr/Vol35/iss2/4>

More currently the anti-government movement is founded upon the idea that the American government created by the Founding Fathers, the “common law” system, was replaced with a fake, illegitimate government adhering to admiralty law and international commerce (using the UCC).



Two types of law – common law and admiralty law (you know –obviously from the government switch)

and

The US operates under commercial law since we abandoned the gold standard in 1933, and thus the US uses citizens as collateral by selling their future earning capabilities to foreign investors and effectively enslaving all Americans.

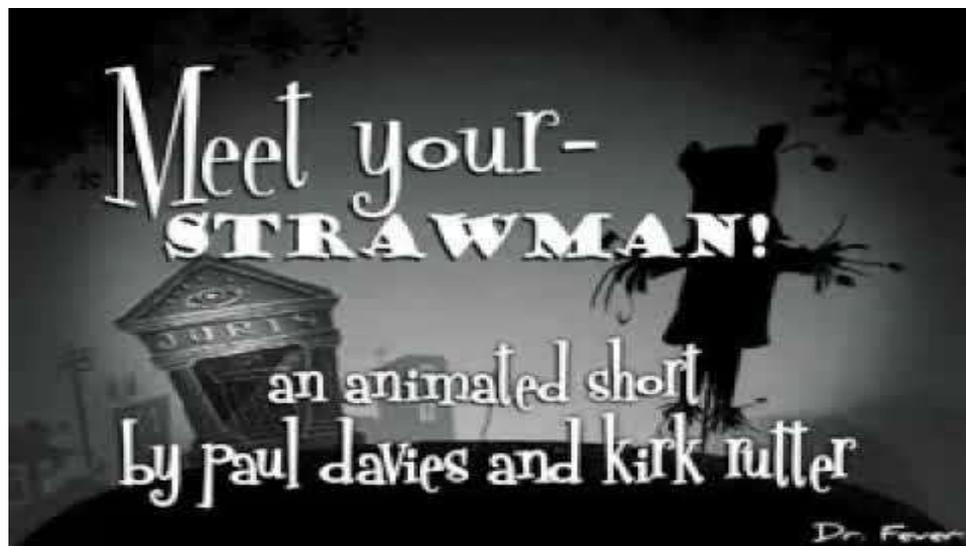
Mellie Legon, *The Sovereign Citizen Movement: A Comparative Analysis with Similar Foreign Movements and Takeaways for the United States Judicial System*, 35 Emory Int'l L. Rev. 297, 300-01 (2021). Available at: <https://scholarlycommons.law.emory.edu/eilr/Vol35/iss2/4>

Everyone becomes collateral at birth when you are forced to apply for a birth certificate and a social security card. This is evidenced by your name being in all capital letters on those documents. The all capital spelling (JOHN DOE) creates the “strawman”, and the regular spelling (John Doe) is the real, flesh and blood name.

(Let's Watch and Learn)



Mellie Legon, *The Sovereign Citizen Movement: A Comparative Analysis with Similar Foreign Movements and Takeaways for the United States Judicial System*, 35 *Emory Int'l L. Rev.* 297, 301-02 (2021). Available at: <https://scholarlycommons.law.emory.edu/eilr/Vol35/iss2/4>



Source: <https://www.youtube.com/watch?v=ME7K6P7hko>



Identifying Sovereign Citizens



- It is with the above framework that sovereign citizens file their pro se paperwork (look for how they sign/print their name), and refuse to: (1) pay taxes; (2) register their vehicle; (3) obtain vehicle insurance; and (4) obtain a driver's license (after all they are a free man traveling upon the land and they sometimes create their own licenses).
- They also file documents that are signed with a thumbprint (sometimes in blood), are in envelopes with a specific amount of postage because they believe that entitles them to a jury trial, make broad accusations or arguments that have no real basis in law or fact (mostly a misinterpretation of the uniform commercial code and other constitutional amendments, and tends to be nonsensical), file illegal liens with the register of deed's office or Secretary of State, delay legal proceedings, and use court as a protest forum (and on and on).



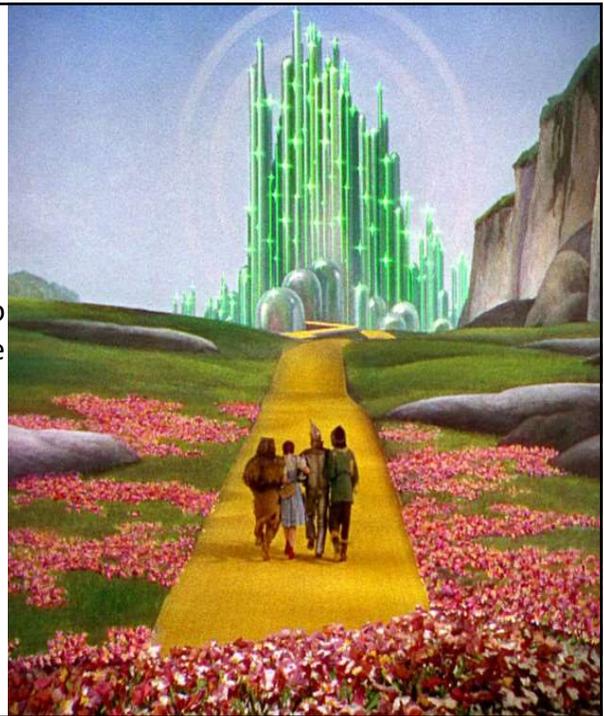
In court:

- Sovereign citizens often fire court appointed legal counsel and file voluminous amounts of paperwork.
- They become frustrated and argumentative with the judge, clerks, court reporters, and court officers.
- This sometimes leads to the court referring sovereign citizens for mental health evaluations.
- This behavior also leads to their being arrested or held in contempt of court.

Court Responses to Sovereign Citizens

(Something or Nothing)

1. Competency to stand trial? *Dusky v. United States* analysis – must have a sufficient present ability to consult with their lawyer with a reasonable degree of rational understanding, and have a rational and factual understanding of the proceedings against them (not enough to understand the date, where he/she is, and have some memory of the events)
2. The Court can hold a *Faretta v. California* inquiry to determine whether someone can waive an attorney – this is a factor based analysis to determine literacy, competency, understanding, and that they are voluntarily exercising their informed free will (technical legal knowledge is not part of the analysis).



3. Interrupting monologues, threatening contempt of court, explaining authority of the court, and limiting the length and number of filings.
4. Practical Responses to expect from our Judges as presented by Judge Gregory D. Smith:
 - Docket Control – set cases at the end of the docket
 - Courtroom Control – Recess needed?
 - Additional Courtroom Security – should not be obvious
 - Name Game – avoid this
 - Quick and Clear Rulings – without commentary or explanation
 - Stay on Track – avoid the protest forum and youtube hits
 - Take notes or Record the encounter



Source: Youtube, Court Cam

Additional Resources/Reading:

State v. Phillips I, 149 N.C. App. 310 (2002); *State v. Phillips II*, 152 N.C. App. 679 (2002)

Lyons et. al v. State of TN, No. M2019-01946-CCA-R3-CD (TN Ct. App. March 22, 2021)

Bey v. State, 847 F.3d 559 (7th Cir. 2017)

United States v. Cook, No. 3:18-CR-00019, 2019 U.S. Dist. LEXIS 108991 (E.D. Tenn. June 28, 2019)

United States v. Coleman, 871 F.3d 470 (6th Cir. 2017)

Meads v. Meads, 2012 ABQB 571 (a Canadian case)

Sovereign Citizen Extremism: A Primer, FBI (Feb. 2015)

Sovereign Citizen Use of Documents to Further Fraudulent Schemes: Reference Guide, US DOJ FBI (Feb. 2014)

Sovereign Citizens: The Uses and Abuses of the Judicial System, Penn. State Law Review (Apr. 2022)

A Quick Guide to Sovereign Citizens, UNC School of Gov't (Revised Nov. 2013)

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Dusky v. United States, 362 U.S. 402 (1960)

Faretta v. California, 422 U.S. 806 (1975)





Congress **shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; **or abridging the freedom of speech, or of the press;** or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. amend. I.



...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.

U.S. Const. amend. XIV, § 1.



Freedom of speech and press; defamation

That **the printing presses** shall be free to every person to examine the proceedings of the Legislature; or **of any branch or officer of the government, and no law shall ever be made to restrain the right thereof.** The free communication of thoughts and opinions, is one of the invaluable rights of man, and **every citizen may freely speak, write, and print on any subject,** being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

TN Const. Art. I, § 9

Remember!!!

...**support the constitutions of the United States and of this state**, and to execute the duties of the office without prejudice, partiality or favor, to the best of the clerk's skill and ability; also, that the clerk has neither given nor will give to any person any gratuity, gift, fee or reward in consideration of the clerk's support for the office, and that the clerk has neither sold nor offered to sell, nor will the clerk sell, the clerk's interest in the office.

Tenn. Code Ann. § 18-1-103



But what is PUBLIC?

**What is a PUBLIC
FORUM?**

1. Traditional Public Forum - "namely, public streets or parks—speech restrictions must be 'narrowly tailored to serve a compelling government interest.' "

2. Designated public forum - "which exists 'if government property that has not traditionally been regarded as a public forum is intentionally opened up for that purpose.'" (same restriction standard as traditional public forum)

Am. Freedom Def. Initiative v. King Cnty., 577 U.S. 1202, 136 S.Ct. 1022(Mem), 194 L.Ed.2d 376(Mem) (2016)

3. "a limited public forum (also called a nonpublic forum)—namely, 'a forum that is limited to use by certain groups or dedicated solely to the discussion of certain subjects'—then speech restrictions need only be 'reasonable and viewpoint neutral.'"

Am. Freedom Def. Initiative v. King Cnty., 577 U.S. 1202, 136 S.Ct. 1022(Mem), 194 L.Ed.2d 376(Mem) (2016)



Source: <https://www.youtube.com/watch?v=XPPvM-Tijlo>

Practical responses to Both Sovereign Citizens And First Amendment Auditors

- Educate employees.
- Don't overreact.
- Identify and mark nonpublic forums.
- Consider rules about harassment/disorderly conduct.
- Before adopting any specific regulations, always consult with your county/city attorney.



Source: Municipal Association of South Carolina (www.masc.sc)

Questions and tactics change over time! Be prepared for requests for employee records or copies of your oath. Remember you can require someone requesting these things to complete an open records request, to provide proof of residency in TN, and you have time to review it to respond. You are NOT required to fulfill an open records request on the spot.