

A City Hall Primer to Sovereign Citizens
Government Finance Officers Association of Texas Spring Conference
April 16, 2024
Pflugerville, Texas
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Judges and court personnel routinely encounter difficult people. Sovereign citizens and vexatious litigants are a distinct subgroup of this population. While a sovereign citizen may also be a vexatious litigant (and vice versa) the terms are not synonymous. While they may have similar characteristics, they potentially pose different challenges.

“Sovereign citizen” is a catch-all term used to describe individuals with specific anti-government beliefs. Such individuals, who may or may not associate with loosely organized groups, tend to share common beliefs and behaviors. Sovereign citizens typically claim to be non-citizens of the state and subscribe to the erroneous belief that no government (federal, state, or local) has authority over their person (i.e., their corporeal being, “natural, living, free person”). Some have homemade driver licenses, license plates, and identification cards. Sovereign citizens typically refuse to acknowledge a court’s jurisdiction, the authority of a wide range of public officials including law-making bodies. By improperly citing the Uniform Commercial Code, the Holy Bible, and a host of other texts, sovereign citizens regularly make baseless arguments, and often file numerous petitions and motions, to confuse and even frustrate the judicial system. Regardless of such strategies, and the challenges they pose, cases involving sovereign citizens must be adjudicated in a fair and judicious manner. The court’s interaction with such citizens potentially presents security concerns when courts are unprepared or unaware of their beliefs and tactics.

There is no single definition of “vexatious litigant” in the United States. Definitions slightly vary. The term generally refers to a party in a civil matter who demonstrates a pattern or practice of improperly using litigation for a prohibited purpose. In North Dakota a vexatious litigant, as defined by the state supreme court, is a person who habitually, persistently, and without reasonable grounds engages in conduct that: (1) serves primarily to harass or maliciously injure another party in litigation; (2) is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law; (3) is imposed solely for delay; (4) hinders the effective administration of justice; (5) imposes an unacceptable burden on judicial personnel and resources; or (6) impedes the normal and essential functioning of the judicial process. N.D. Sup. Ct. Admin. R. 58. In Texas, proceedings involving vexatious litigants are governed by Chapter 11 of the Civil Practice and Remedies Code. Notably, the term “vexatious litigant” is not defined by the statute. Section 11.054 provides criteria for finding a plaintiff a vexatious litigant. Section 11.002 provides that the chapter does not apply to attorneys licensed in Texas unless the attorney proceeds pro se. It also states that Chapter 11 does not apply to a municipal court. Ostensibly this is because most of the proceedings in municipal courts involve criminal cases.

Learning Objectives:

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

1. Explain similarities and difference between sovereign citizens and vexatious litigants;
2. Discuss the evolution, motivation, and significance of the “sovereign citizen movement;”
3. Identify and contrast the presentation of a sovereign citizens and vexatious litigants; and
4. Describe two critical skills in cases involving sovereign citizens and vexatious litigants.

Preface: Identifying Inherent Barriers to Better Understanding

1. Sovereign Citizen Subject Matter: “Down a Rabbit Hole”
2. Generalizations are Generally Not General (or Compliant with Canons of Judicial Conduct)
3. Topic Triangulation: Potential Side Effects Include Impaired Focus

- Pro Se Litigants – Court Decorum – Court Security – Contempt - Judicial Ethics – Courtroom Management – Bench Skills

I. **Similar but Not the Same: Sovereign Citizens (SC) and Vexatious Litigants (VL)**

A. **Similar**

1. Primarily Pro Se Litigants
2. Frivolous Contentions and “[Paper Terrorism](#)”

B. **Not the Same**

1. SC: Primarily Criminal Law
2. VL: Exclusively Civil Law

II. **Sovereign Citizens Movement**

While all states report sovereign citizen movement activity, it varies. It is generally believed that activity is more prominent in southwestern and southern states. The University of North Carolina at Chapel Hill prepared “[A Quick Guide to Sovereign Citizens](#)” for judicial and government officials. The bulletin, which was last updated in 2015, is a model for how other states can quickly get public officials up to speed about sovereign citizens. In 2018, the Southern Poverty Law Center published concise summation titled “[What you should know about ‘sovereign citizens.’](#)”

A. **Who are They?**

1. History: Posse Comitatus Movement, Christian Patriot Movement
2. OG: Litigants, Commentators, and Financial Scheme Promoters
3. Next-Gen: Activists, Tax Protesters, Conspiracy Theorists

B. **Ideology, Motivation, and Means**

1. Ideology: Belief in the Supremacy of Natural Law
 - Typically rooted in some variant of the idea that the "true" government established by the founding fathers was at some point replaced by the modern American legal system, which they do not recognize. Sovereign citizens typically rely on conspiracy theories to justify their stances.
2. Motivation: To Live Free from Federal, State, and Local Law
3. Means: Subterfuge and Obstructionism
 - “Deceit used to achieve one’s goal.”
 - “The practice of deliberately impeding or delaying the legal, legislative, or other procedures.” (*Expect no cooperation.*)

C. **Significance**

1. In 2010 the Southern Poverty Law Center estimated there were 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: Prevalence, Profile, Radicalization, Mental Health, Countermeasures (See, Christine Sarteschi’s [Sovereign Citizens: A Narrative Review with Implications for Violence Towards Law Enforcement \(Sept. 2020\)](#)).
4. Social Accelerants: “The Information Age,” Public Cynicism, Conspiracy Theories, [More than Half a Century of Withering Public Trust in Government Public](#), Emergence of [Post-Truth Politics](#). (Oxford Dictionaries declared “post-truth” the international word of the year in 2016,

citing a 20-fold increase in usage compared to 2015. “Post-truth politics” refers to the abundance and influence of misleading or false political truth claims into a concept empirically studied and theorized by academic research.)

III. Identifying Sovereign Citizens (SC)

A. Remember from the Outset:

1. If it is government issued, or required by law, a SC is not likely to have it.
2. If it is something lawfully authorized, a SC is not likely to acknowledge the validity of the law authorizing it.
3. They know their objectives and tactics, you should also. (See, Resources, below)

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

1. Familiarize yourself and your team with “pseudolaw” (a collection of legal-sounding but false rules that purport to be law.) Read, Donald Netolitzky’s 23-page seminal 2018 article “[A Rebellion of Furious Paper: Pseudolaw as a Revolutionary Legal System.](#)” Pseudolaw arguments have been described by courts as legalistic gibberish. “The more extreme examples of pseudolaw tactics have been described as paper terrorism.”
2. Be ready for the trifecta: Uniform Commercial Code (UCC); Common Law; Maritime Law (Also, the 1st Edition of Black’s Law Dictionary from 1891, the Bible, the Magna Carta, U.S. Constitution, case law, treaties with foreign governments, and international law.)
3. 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)
4. Signatures followed by the words “under duress,” “Sovereign Living Soul” (SLS), or a copyright symbol (©)

C. Deeds: Sovereign citizens, like vexatious litigants, make dubious court filings (and are renowned for their illegal filings of liens).

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. Prepare the Frontline

IV. Critical Skills for Judges and Court Personnel

A. Assessment:

1. Observe – Evaluate – Communicate (Properly): Requires Teamwork
2. Case Study: “Meet Keith!”

B. Anticipation

1. SC Goals (3D’s): Derail, Disrupt, Distract by Means of Subterfuge & Obstructionism
2. **REMEMBER:** Don’t take the Bait! That is what they want!
3. Case Study: Wisconsin Judge Jennifer Dorow & SC defendant, Darrell Brooks for the 2021 [Waukesha Christmas Parade Attack](#)

C. Action (Have a Plan but Remember Tyson's Maxim.)

1. Set Your Bearings: Procedural Justice (Voice, Neutrality, Respect, Understanding)
2. Plan Your Work (and Work Your Plan) ("Action vs. Reaction")
 - a. Discussions Regarding the "Proper" Judicial Response
 - b. "Tit for Tat" Engagement: ("If I'm not in charge of my courtroom, who is? What's wrong with that?") What about neutrality? What about public perception? What if a lawyer, not a judge, took the time to surgically dissect the standard battery of SC arguments? (See, Resources)
 - c. BEWARE of the "1-in-10"
3. Qualified Active Listening (Judicial Judgment Put to the Test)
4. Five Tips for "Time and Temperature"
 - a. Who's your "Thermometer?"
 - b. Time for a Break?
 - c. "Don't be the Show"
 - d. Dynamic Docket Management
 - e. "Strategic Mic Drop"
5. Order & Decorum: Contempt, Restraining, Removing, and Recusal/Disqualification

Resources:

[The Court Survival Guide](#). A decade ago, this document was only available on the "dark web." Today, it can be downloaded for free as a PDF. It is a 42-page, self-described, "litigation tool" published by the Sovereignty Education and Defense Ministry (SEDM.org). It contains 21 "how to" strategies for sovereign citizen advocacy in criminal cases.

Kudos to Caesar Kalinowski and his article, [A Legal Response to the Sovereign Citizen Movement, 80 Mont. L. Rev. 153 \(2019\)](#). The article seeks to provide civil servants, including lawyers, law enforcement, and the judiciary with a comprehensive reference guide to the sovereign citizen movement, their arguments, and counterarguments. The author attempts to make sense of and explain the most common sovereign citizen themes and their failings.

[The Permissibility of Shackling or Gagging Pro Se Criminal Defendants](#), University of Chicago Legal Forum Barrowes Brooksany wrote this article in 1998, before COVID-19, Zoom, and the Darrell Brooks trial. However, it offers a deep dive into the right to self-representation, the appropriate use of restraints in light of *Illinois v. Allen* (see related YouTube video below), related issues, and concerns.

YouTube Videos:

There is a considerable amount of sovereign citizen-related video content on YouTube. Few are made by sovereign citizens. Some are made by YouTubers ridiculing sovereign citizens (e.g., "[sovereign citizen bingo](#)"). Their subject matter ranges from comical to tragic. While many of these videos are sensational click-bait, some have meaningful educational value. I particularly recommend watching YouTube videos if you have limited personal experience with sovereign citizen obstruction advocacy. Here are my top recommendations.

[Court Cam: Top 5 Sovereign Citizen Moments](#) | A&E (July 11, 2021) (19:02). Start here. It's a great introduction for judges and court personnel and plays like a sovereign citizen's "greatest hits" (e.g., maritime courts; arraignment antics; strategic use of the mute button in a video hearing, a classic "Jedi mind trick" bond hearing in Broward County, Florida with Judge John Hurley, "the settlers, the agent, and the person";

contempt and wheel chair removal in New Hampshire; Robert Peterson's shocking court security encounter in Kootenai County Idaho; cameras in the courtroom, and a sampler of all of the above in Kentucky).

[Bizarre Trial of Darrell Brooks: Outbursts and Oddities of the Waukesha Parade Attacker's Case](#). Law & Crime Network (October 27, 2022) (27:54).

[Top 5 Times Darrell Brooks Thought He Knew the Law](#). Law & Crime Network (October 28, 2022) (15:02). The Law & Crime Network's Jesse Weber recaps the top five times Darrell Brooks thought he knew the law while representing himself during his trial. Subject matter jurisdiction, the right to confront witnesses, handling objections, the right to testify, and jury nullification in closing argument, it is all here!

[The Great Cases | Illinois v. Allen, 397 U.S. 337 \(1970\)](#). The Uncivil Law (October 2022)(1:52:07). It is almost two hours long, but considering sovereign citizen Darrell Brooks' trial in Wisconsin, it is a timely reexamination of *Illinois v. Allen*, 397 U.S. 343 (1970), holding that constitutionally permissible remedies include binding and gagging the defendant, citing for contempt, or removal from the courtroom.