

# Competence to Stand Trial Evaluations of Sovereign Citizens: A Case Series and Primer of Odd Political and Legal Beliefs

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Sovereign citizens hold a variety of beliefs that challenge the legitimacy of the United States government and criminal justice system. In criminal cases, sovereign citizens typically raise a variety of seemingly strange objections to the proceedings that can cause court participants to believe the defendant is not competent to stand trial. The author's case files were reviewed to identify all defendants who espoused sovereign citizen beliefs during a court-ordered competence-to-stand-trial evaluation. This case series consisted of nine evaluations completed between 2003 and 2012. A review of the outcomes in these cases showed that sovereign citizens typically have the capacity to understand criminal proceedings and assist an attorney.

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Sovereign citizens hold a variety of beliefs that challenge the legitimacy of the United States government and the criminal justice system. When people who hold these beliefs come in contact with the courts, they can pose serious challenges to the judges and attorneys who must work with them as part of the proceedings. In particular, in criminal cases, sovereign citizens typically raise a variety of seemingly odd and nonsensical objections to the proceedings, which may cause court participants to believe they are not competent to stand trial. When such defendants are referred for assessment of competence to stand trial, the evaluator is faced with the dilemma of trying to understand the defendant's unusual beliefs about the legal system, which in essence requires the evaluator to decide whether the defendant's beliefs are delusional or represent a cultural belief system. This article will present data drawn from a case series of sovereign citizens referred by judges in Marion County (Indianapolis), Indiana, for evaluation of competence to stand trial. To the best of my knowledge, this

case series is the first publication on sovereign citizens in the medical and psychological literature.

## Sources of Information

Reliable information on the sovereign citizen movement is difficult to find. Use of the search term *sovereign citizen* yielded no pertinent results on both PubMed and PsycInfo in July 2014. Using the search term *competence to stand trial* led to 264 citations on PubMed and 42 citations on PsycInfo; none of the citations included any reference to sovereign citizens. Sovereign citizens often appeal unfavorable court decisions, and therefore appellate court decisions can be a useful source of information on how sovereign citizens interact with the court system. A 2013 Lexis search of court decisions using the search term *sovereign citizen* identified 101 decisions, 71 of which involved the sovereign citizen movement. The few books in print on sovereign citizens have been written about the perpetrators of dramatic, high-profile, violent incidents and have had small press runs. Extensive searches of the Internet made it clear that only a few websites could be considered objective sources of information on sovereign citizens, as most sites identified by the search engines were those devoted to the causes of the sovereign citizen movement. In

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particular, the Southern Poverty Law Center (SPLC) and the Anti-Defamation League (ADL) are civil rights organizations with good reputations and a long history of investigating and tracking groups with extreme and possibly dangerous beliefs. The websites of the SPLC and the ADL each contain substantial information on the development of the belief system of sovereign citizens over the past decades. Additional information on sovereign citizens can be found on the website of the Federal Bureau of Investigation (FBI).

## Background

To understand the sovereign citizen belief system, one must understand the history of the movements that preceded and accompany it, including the Christian Identity, tax protest, Posse Comitatus (power of the county), and patriot/militia movements. The Christian Identity movement has its origins in 19th century England, where religious writers advanced the theory that modern European people were the descendants of the lost tribes of the Old Testament.<sup>1,2</sup> This belief was introduced into the United States by speakers from England in the late 19th century and was adopted by a small number of people. It became more popular during the Great Depression in the 1930s, when it began to evolve into an anti-Semitic philosophy, particularly on the West Coast, where its primary leader, Wesley Swift, was also active in other extremist groups, including the Ku Klux Klan. In its present form, many Christian Identity adherents believe the nonwhite races were created before Adam and Eve and thus have no soul. They also believe the world is very likely in its last days and thus have little faith in secular institutions, which makes Christian Identity an attractive theology for people who hold antigovernment beliefs, including sovereign citizens and militia members. The Christian Identity theology spread rapidly through right-wing extremist groups in the 1960s, including segregationist groups, the Posse Comitatus movement, and the Aryan Nation. Christian Identity declined as a separate movement in the 1990s, as extremist groups were dismantled by arrests and prosecutions. It is currently believed to be strongest in the Pacific Northwest and the Midwest.<sup>1</sup>

The tax protest movement began in the 1950s and 1960s and continues to exert a strong influence in right-wing extremist ideology.<sup>3,4</sup> This movement coalesced in the late 1950s around the proposed Liberty

Amendment to the U.S. Constitution, which would have banned income, estate, and gift taxes. With the failure of this effort, the more extreme opponents of income taxes moved on to develop arguments that the income tax was nonetheless illegal. In the 1960s, Arthur Porth put forward the argument that the Sixteenth Amendment, which authorized the federal income tax, violates the Thirteenth Amendment, which banned slavery, as citizens were placed into involuntary servitude by their obligation to pay income taxes. Porth later adopted the strategy of writing on his tax form that he was invoking his Fifth Amendment right of avoiding self-incrimination.<sup>3</sup> Since then, tax protestors have brought forth a variety of creative strategies and explanations to avoid paying taxes, many of which have been adopted by people who also hold sovereign citizen beliefs. Many tax protestors ended up in court due to their refusal to pay federal taxes, and the courts have not been sympathetic to their arguments. In 1991, the U.S. Supreme Court, in *Cheek v. U.S.*,<sup>5</sup> ruled that tax protestors could not use a good-faith argument to excuse their failure to pay taxes after adopting tax protestor beliefs; this defense was also raised by actor Wesley Snipes and was rejected on appeal.<sup>6</sup> The tax protest movement is believed to be an entry point into other extremist belief systems, including Christian Identity and the sovereign citizen philosophy.<sup>3</sup> The Internal Revenue Service (IRS) began to challenge tax protest efforts aggressively in the early 1980s, but this focus diminished in the late 1990s, in response to congressional hearings on allegedly abusive practices employed by IRS investigators and cuts in the IRS budget.<sup>4</sup>

In the late 1960s, the Posse Comitatus movement brought together elements of the Christian Identity and the tax protest movements into secretive, decentralized, and loosely organized extremist groups.<sup>7</sup> This movement apparently began as two separate groups in the late 1960s, one led by Henry Beach and the other by William Potter Gale. The latter was a Christian Identity minister who had championed the tax protest movement and became one of the recognized leaders of Posse Comitatus.<sup>7,8</sup> Its adherents hold a strong anti-government philosophy and believe that the only legitimate forms of government are those of towns and counties. The common law, as they understand it, is the basis of government, rather than constitutional law, and the sheriff, as the highest legitimate elected official, is supposed to enforce this

common law. This movement began in the United States Northwest but became popular in the Midwest during the 1980s, when the U.S. farm economy, particularly small farmers, struggled with a combination of low prices, high debt burdens, and high interest rates, which led to many farm foreclosures.<sup>7</sup> In assisting farmers facing foreclosure, Posse Comitatus members tried to intimidate local officials with threats of physical violence and so-called paper terrorism. The latter strategy consisted of filing false liens on the property of targeted officials, filing multiple court documents in an attempt to overwhelm and frustrate the court process, and issuing indictments from common law courts created by local Posse chapters. One Christian Identity and Posse adherent, James Wickstrom, preached to beleaguered farmers that the federal government and taxes were illegal; driver's licenses were a form of tyranny; and, as a sovereign citizen, one could use false money orders to pay taxes.<sup>9</sup> Around the same time, Frederick Saussy created the idea of using "public office money certificates," which he claimed were "redeemable in dollars of the money of account of the United States upon an official determination of the substance of the money of account" to pay taxes.<sup>4</sup> The Posse Comitatus movement faded when many of its leaders were convicted of a variety of offenses, ranging from tax evasion and impersonating public officials to plotting assassinations and bomb attacks. A few Posse members violently resisted efforts to arrest them; in 1983, Gordon Kahl, while fleeing federal tax charges, killed three police officers before he was killed in another shootout with police.<sup>3</sup> Media reports on these and other high-profile incidents publicized the racist and anti-Semitic underpinnings of the Posse Comitatus and Christian Identity movements, which contributed to their decline in popularity.

The militia movement is the ideological heir to the Posse Comitatus movement. Posse members often engage in paramilitary training in preparation for the struggle to bring the government back to the people, and Posse leaders often call their groups unorganized militias, referring to language in federal and state laws created after the end of compulsory military service.<sup>10</sup> The militia movement did not directly derive from the Posse Comitatus movement, but instead grew from anger about the federal government's role in the violent incidents at Ruby Ridge in 1992 and Waco in 1993. These events mobilized

Christian Identity and sovereign citizen adherents and catalyzed the growth of armed militias, particularly among those who held radical gun rights beliefs and regarded members of militias as exempt from federal gun laws. Militia members and individual militia groups were quite diverse but were united in their fear of and opposition to the federal government, which they believed was part of a vast conspiracy to strip Americans of their rights. As a result, ideas common to sovereign citizens were popular within these groups. In particular, many militia groups held a strong belief that the United States had a common law heritage that had been abrogated by the federal government and feared that U.S. courts had become military courts. Some of these groups advocated the use of paper terrorism tactics as retaliation and issued fraudulent monetary instruments on their own authority. One of these groups, the Montana Freeman, gained a degree of notoriety in 1996 when they engaged in an 81-day standoff with federal and state law enforcement that ended peacefully.<sup>8</sup>

The militia movement grew in the mid-1990s, even after law enforcement agencies greatly increased their focus on domestic terrorism in response to the 1995 Oklahoma City bombing.<sup>10</sup> However, by the end of the 1990s, many militia groups had disbanded, and many members were put in prison for violation of firearms laws. The movement did not disappear, however, and appears to have strengthened in recent years.<sup>11,12</sup> The recession in 2008, which was accompanied by increased unemployment and many home foreclosures, facilitated the growth of the militia, tax protest, and sovereign citizen movements. Observers of these groups have observed a gradual coalescence of the beliefs of the tax protestors, sovereign citizens, and militia members and have described the combined beliefs as the patriot movement. In addition, anti-immigrant minuteman groups have moved toward the ideology of the patriot movement and have begun to promote sovereign citizen beliefs.<sup>13,14</sup> As these movements have grown and come together, they have attracted the attention of federal law enforcement agencies. After Jerry Kane and his son, both sovereign citizen adherents, killed two police officers during a routine traffic stop in 2010, the FBI described extremist sovereign citizens as "a domestic terrorism movement" and a potentially serious threat to law enforcement staff.<sup>15</sup> The number of people who hold sovereign

citizen beliefs is difficult to measure, given their strong antigovernment beliefs, but the SPLC has tracked a significant increase in the number of patriot movement groups, from 149 in 2008 to 1,274 in 2011; they estimated that 300,000 Americans held sovereign citizen beliefs and 500,000 shared tax protest beliefs.<sup>11</sup> Another recent development in the spread of sovereign citizen beliefs has been the growth of these ideas in African-American and prison populations.<sup>16</sup> African-American adherents typically subscribe to the belief that they are Moorish American, which gives them privileged legal status, but otherwise hold many sovereign citizen beliefs, such as redemption theory, and apply similar tactics, including misuse of liens and creation of false accounts.<sup>17</sup>

## Methods

I reviewed my case files from 2001 to 2012 seeking to identify defendants who had espoused sovereign citizen beliefs during a court-ordered evaluation of competence to stand trial. Demographic information was collected during the competence evaluation and was corroborated by court documents, including the probable cause affidavit. The diagnosis of each defendant was based only on the clinical interview; medical records were not available as a collateral source, as none of the defendants was receiving mental health treatment in jail, and the two defendants who reported any history of mental health treatment provided only vague information about being treated years earlier. The clinical diagnosis was based on the defendant's report of symptoms during the interview; the interviewer used a semi-structured interview format, guided by the criteria in the Diagnostic and Statistical Manual of Mental Diseases, Fourth Edition, Text Revision (DSM-IV-TR).<sup>18</sup> The criminal charges for each defendant were identified from the probable cause affidavits, and the outcome of each case was found in public court records. Each defendant's competence to stand trial was assessed in a semistructured interview format based on the McGarry criteria.<sup>19,20</sup>

The sovereign citizen beliefs held by the defendants were identified from the court reports, and each element was used as a search term on Google, to find additional information about each belief. As discussed above, a search of the medical and psychological literature with similar search terms was also completed. A search of the Lexis legal database for cases

involving sovereign citizens was completed by a law library reference librarian.

This study was approved by the Institutional Review Board (IRB) of Indiana University in February 2012. The IRB conducted a full review of the proposed study and, because of the small sample size, required strict de-identification of the data. No case summaries and no information that might be used to identify a defendant were permitted to be used in publications, and data based on the defendants' demographic information could be presented in aggregate form only.

## Results

### Case Information

Nine cases of defendants with sovereign citizen beliefs were identified over the period of 2001 to 2012, in 1,081 competence evaluations completed by the author during that period. The cases came from 2003, 2007 (two cases), 2008, 2009 (three cases), 2010 and 2011. All of the cases came from Marion County, which encompasses the city of Indianapolis, and had a population of 860,454 in 2000 and 903,393 in 2010.<sup>21</sup> The average age of the defendants was 39.1 years, all but one was male, and 67 percent were African American. All of the defendants had prior arrest records and all but one had multiple prior arrests; two had served time in prison. None of the defendants had been prescribed psychiatric medication in jail.

Three defendants (two male, one female) refused to participate in the clinical interview; the refusals occurred in 2009 (2 cases) and 2011. Three of the six defendants who completed the interview had been raised by both of their parents, two had experienced divorce at a young age, and one was raised by his mother. One of the six defendants was physically abused by his father and stepfather and another defendant witnessed serious trauma, but no other history of abuse or trauma was reported. Of the six defendants who completed the interview, all had passed the GED (General Educational Development) test or had graduated from high school, three had attended college, and one had a master's degree. Three of the six defendants were self-employed at the time of their arrests, two were in the towing and repossession business, and one ran a retail store; three were unemployed at the time of their arrest; none of the six had been on disability. One of the defendants

had served in the military, but was given an other-than-honorable discharge after one year. Two of the six defendants who completed the interview had a history of mental health treatment: one had been treated with antidepressant medication for depression and anxiety, and one had been treated with antidepressant medication for depression and suicide attempts.

On mental status examination, the six defendants who completed the interview showed no significant cognitive deficits. Each defendant was generally oriented to person, place, and time; had intact short-term memory, recalling at least three of four words on delayed recall; had intact concentration, based on the ability to state the months of the year in reverse order; and had an adequate fund of knowledge, based on recall of between 4 and 13 recent U.S. presidents.

On the basis of the clinical interview, two of the six defendants who completed the interview had diagnoses of psychiatric disorders: one had delusional disorder and one had recurrent depression. The defendant with delusional disorder was the first sovereign citizen evaluated by the author and was the only sovereign citizen defendant ruled incompetent to stand trial. Three defendants had diagnoses of substance abuse disorders (two with alcohol and cannabis abuse and one with alcohol dependence, cannabis abuse, and opiate abuse). One defendant had no diagnosis.

The underlying charges for the nine defendants ranged from attempted murder to refusal to identify. Three defendants were charged with at least one violent offense (attempted murder, burglary, and battery); the others were charged with nonviolent offenses (check fraud, driving under the influence, probation violation, refusal to identify, possession of marijuana, or driving with a suspended license). The most serious charge faced by each defendant was: B felony (one defendant), C felony (2 defendants), D felony (4 defendants), and misdemeanor (2 defendants). Each of the defendants eventually pleaded guilty to or was found guilty of one or more charges, although one defendant was ordered to a diversion program after pleading guilty. The charges against two defendants were dismissed, but each simultaneously pleaded to or was found guilty of separate charges. Two defendants appealed their convictions up to the Indiana Supreme Court, without success.

During the competence evaluations, the defendants raised a variety of sovereign citizen beliefs (Table 1), and each defendant put forward a unique

**Table 1** Sovereign Citizen Beliefs of Individual Defendants

Sovereign Citizen Belief	Defendant
Uniform Commercial Code	2, 3, 5, 7
Immune due to status as corporation	1, 3, 5
Admiralty court	4, 5, 7, 8
Gold fringe on flag	4, 5, 7
Copyright on or value to name	2, 6, 9
Use of capital letters in writing name	2, 5
Accepted for value	3, 6
Office of the person	4, 7
Secured party	7, 8
Fourteenth Amendment	1
Redemption	2
Moorish American	3
Gold standard and House Resolution 192	8
Driver's license not needed	9

combination of such beliefs. Although three defendants refused to complete the clinical interview, two of them engaged in a brief discussion of their sovereign citizen beliefs during their refusal; information on the third defendant's beliefs was drawn from the reason she stated for her refusal and from the probable cause affidavit. Four defendants made reference to the Uniform Commercial Code, three of whom believed they were corporations and thus immune from prosecution. Four defendants believed the criminal courts were actually admiralty courts; three of these defendants mentioned the gold fringe on the U.S. flag in courtrooms as evidence of this status.

**Court Decisions**

All of the 71 court decisions identified by Lexis with the search phrase sovereign citizens were from federal courts. There were nine decisions from U.S. courts of appeal: four from the Seventh Circuit and one each from the Second, Fifth, Sixth, Ninth and Federal Circuit Courts. Four decisions came from U.S. tax courts and four from courts of federal claims. The remaining 54 decisions came from U.S. district courts in 25 states and the District of Columbia: 9 decisions came from New Jersey, 5 from North Carolina, 4 each from California and Georgia, 3 from Michigan, Missouri, Texas, and Wisconsin, and 2 from Florida, Maryland, and South Carolina; 13 states and the District of Columbia had one decision each. A majority of the decisions (47, 66%) were handed down in this decade: 11 (15%) in the 2000s, 10 (14%) in the 1990s, 2 (3%) in the 1980s, and 1 (2%) in the 1970s.

The claims involved in the court decisions reflected the political leanings of sovereign citizens and the growth of sovereign citizen beliefs in African-American and prison populations. Of the 54 district court decisions, 16 (30%) cases involved nonpayment of taxes, 15 (28%) involved Moorish-American claims, 9 (17%) involved a mortgage or foreclosure, 6 (11%) came from traffic violations, and 4 (7%) were filed by prisoners; the remaining 4 cases did not fit in any of these categories. All nine of the New Jersey District Court decisions involved Moorish-American claims, and all were decided in 2011 or 2012. All but 2 of the 15 cases involving Moorish-Americans were decided in 2011 or 2012. Of the nine appellate court decisions, three involved tax cases, two involved convictions for mail fraud related to false liens, two involved traffic violations, and one each involved a claim of admiralty court jurisdiction and a federal murder trial. The federal claims court cases concerned a prison inmate who claimed redemption, as well as cases involving a civil claim for \$185,000,000, a challenge to birth certificates and social security numbers, and a claim for a tax refund. Overall, 27 (38%) of the 71 identified cases involved taxes.

Two of the decisions involved competence to stand trial. In a 2011 case, *United States v. Cordell*,<sup>22</sup> the defendant was found incompetent to stand trial after a brief examination by a psychiatrist found him to be paranoid and delusional. The defendant made a statement to the court after the finding, in which he mentioned “secured party,” “creditor status relative to the government,” and “corporate fiction.” He later submitted a letter to the court referring to “conditional acceptance for value,” referring to “proposed settlement of the case as a commercial party.” The psychiatrist then completed a more extensive evaluation of the defendant that showed “evidence of a thought disorder, specifically paranoid and grandiose delusional thinking” which would “interfere with his ability to assist his counsel in his defense.” During the interviews, the defendant claimed “his birth certificate had been pledged to the Secretary of the Treasury” and that court participants in the case were violating copyright law. The defendant was subsequently evaluated by a Bureau of Prison (BOP) psychologist, who, after administering several tests, including the Evaluation of Competency to Stand Trial-Revised (ECST-R), found that the defendant did not have a mental disease or defect. The psychol-

ogist testified that he was familiar with sovereign citizens, had previously evaluated adherents to these beliefs, and had found that such defendants do not necessarily have a mental disease. The magistrate who heard the case recommended that Cordell be found competent to stand trial, although “The Court has no doubt that Mr. Cordell is a difficult client.” The magistrate’s report and recommendation were subsequently approved and adopted by the court.<sup>22</sup>

In 2012, the magistrate judge’s report and recommendation in *United States v. Hall*<sup>23</sup> was handed down. The defendant, charged with possession of cocaine with intent to distribute, had been ordered to undergo evaluation of competence and sanity at a federal detention center, but was uncooperative with the testing. The forensic psychologist who evaluated the defendant testified that Hall did not have a mental disorder and that his defense strategy “is not based on confused or delusional thinking.” The magistrate noted that, instead, “Defendant appears to have chosen a strategy increasing in popularity among criminal defendants in Federal Courts,” in which they claim the court does not have jurisdiction, based on the United States’ abandoning the gold standard in 1933, or they invoke the Uniform Commercial Code, or they use the phrases “secured party creditor” and “sovereign citizen.” Hall had adopted a “pattern of non-cooperation and frivolous motions.” The magistrate observed that Hall “exhibited organized, rational, sequential, and coherent thought processes” and, based on his observation and the psychologist’s report and testimony, recommended that Hall be found competent to stand trial. The court later adopted this report.<sup>23</sup>

### **Sovereign Citizen Beliefs**

#### *Common Law Courts*

Common law generally refers to a system of law based on precedents and not statutes. Sovereign citizens, however, believe that common law derives from the American Revolution, which freed the colonists from the British monarchy and made each colonist sovereign over his own property. Under this definition of common law, no court ruling or government statute or regulation can deprive a citizen of his common law rights, particularly with regard to property.<sup>24</sup> Thus, to sovereign citizens today, common law refers to a separate system of laws, designed to protect individual property rights. They also be-

lieve that these rights have been eroded by the Thirteenth and Fourteenth Amendments and the Civil Rights Act of 1866, which sovereign citizens believe transformed the U.S. court system from its common law heritage into a corrupted system based on commercial or admiralty law. Common law courts created by sovereign citizens and militia groups are based on their understanding of common law and have been used as instruments of paper terrorism to issue summons, impose fines, and dismiss convictions from other courts.<sup>24</sup>

### *Common Law Liens*

Common law adherents use the tactic of filing common law property liens to attack lawyers, judges, and government officials who seek to challenge the authority of the common law courts or to enforce tax laws and government regulations, such as zoning laws. To sovereign citizens, the filing of a lien on a target's property is an attractive strategy, for it avoids any interaction with the judicial system. Sovereign citizens believe the filing of the lien means the target "must either successfully rebut [the] commercial law affidavit, convene a common law jury, or pay the lien."<sup>24</sup> Such liens are not legitimate but require considerable time, effort, and money to remediate, once they are discovered.

### *The Fourteenth Amendment*

The Fourteenth Amendment was ratified in 1868 and guaranteed U.S. citizenship to former slaves, among other important rights. To sovereign citizens, though, the Fourteenth Amendment shifted all Americans from the status of being citizens of individual states to being citizens of a corporate entity, the federal government. However, they believe that this change in status can occur only if a citizen voluntarily agrees to give up common law rights by seeking licenses or permits, paying taxes, or holding a Social Security number. A citizen can revoke these licenses and numbers and thus regain common law rights and become a sovereign citizen, immune to the judicial system and state and federal government.<sup>12</sup> One offshoot of this interpretation of the Fourteenth Amendment is the belief among white supremacist sovereign citizens that African Americans are not eligible to be sovereign citizens, as they did not hold common law rights before passage of the Fourteenth Amendment.

African-American sovereign citizens, though, often claim they are Moorish American or members of

a Moorish church, which they believe gives them privileged status, equivalent to that of Native Americans and similar to that of a sovereign citizen.<sup>17</sup> These sovereign citizens overlook the deeply racist foundation of the sovereign citizen movement and instead build on the holdings of the Moorish Science Temple of America, which is a small religious sect founded in 1913 by a man who changed his name to Noble Drew Ali. Ali was not antigovernment but believed Moorish Americans should be recognized as full citizens of the United States, not as descendants of slaves, as was very common at the time. The group splintered after Ali's death in 1929 but remains active to this day. African-American sovereign citizens who claim they are Moorish American often add Arab suffixes (e.g., -El, -Bey, and -Ali) to their names and claim that the police and courts have no jurisdiction over them. They may carry unique driver's licenses or cards proclaiming their right to travel freely.<sup>17</sup>

### *The (Missing) Thirteenth Amendment*

Sovereign citizens often use "hidden history" as justification for their beliefs, and the idea that lawyers, judges, and legislators have conspired to obscure important laws is a prominent theme in sovereign citizen writings.<sup>24</sup> The "missing" Thirteenth Amendment holds a prominent place in this pantheon, as this proposed amendment, which was never adopted, would have denied American citizenship to anyone who possessed or accepted a title of nobility. Since sovereign citizens believe that lawyers hold a title of nobility, signified by the use of Esq. after their names, in sovereign citizens' eyes lawyers are not legal citizens of the United States. Sovereign citizens typically represent themselves in court proceedings and are loathe to accept the assistance of attorneys.

### *Admiralty Law*

Sovereign citizens believe that, because of the corruption of the common law by the Fourteenth Amendment and the abandonment of the gold standard in 1933, the state and federal courts in the United States are actually military or admiralty courts that administer both the law of the sea and the law of international commerce.<sup>25</sup> To sovereign citizens, the key symbol of the true identity of the court system is the presence of a gold fringe on the American flag in all courtrooms. Despite the more reasoned analysis of the subject by flag experts, which holds that the gold fringe is purely decorative and has no inherent mean-

ing or symbolism, adherents persist in their interpretation of the fringe on the flag.<sup>26</sup>

#### *Redemption Theory*

Sovereign citizens believe the U.S. government went bankrupt in 1933 when it passed House Resolution 192, which took the currency off the gold standard. Instead of gold, the government backed the dollar with the “full faith and credit” of the U.S. government, which means, to sovereign citizens, that the federal government collateralized its own citizens as payment for the debt created by the bankruptcy of the United States.<sup>11</sup> To use individuals as collateral, the sovereign citizen believes that the government files the birth certificates of its citizens as registered securities with the Department of Commerce, thus creating a secret U.S. Treasury account for each citizen with a value of \$630,000, or some larger value.<sup>25</sup> They hold that proof of the role of the birth certificate is evident in the use of all capital letters for the name, the security paper used, and the presence of registry numbers on the certificate.<sup>25</sup> In their theory, individuals can gain access to their secret treasury accounts, which are known as strawman accounts, by freeing themselves from this corporate entity and becoming a sovereign citizen, or flesh-and-blood human being. By doing so, the sovereign citizen can use this account to pay his bills, thus redeeming the value of the account.

#### *Accepted for Value*

Once an individual becomes a sovereign citizen, he can gain access to his secret account by filing the appropriate documents with the U.S. Treasury. Although this strategy has never actually succeeded, the key documents are believed to be a bill of exchange and a copy of one’s birth certificate, along with other key forms. The identity and preparation of the appropriate forms to send to the U.S. Treasury to access one’s secret account has spawned an ongoing scam of selling these forms and the instructions to complete them, often in seminars or classes.<sup>27</sup> Once the process is completed, sovereign citizens believe that they can write “accepted for value” on bills to pay them from their secret treasury account. In addition, since the courts are under either admiralty or commercial law, all court transactions are commercial in nature and can be discharged by writing the phrase on the document.<sup>25</sup>

#### *Uniform Commercial Code (UCC)*

The UCC holds particular significance for sovereign citizens, as they believe it is the mechanism that converts legal events into commercial transactions. Sovereign citizens believe filing forms under the Uniform Commercial Code, particularly the UCC-1, with state authorities, is another strategy to gain access to one’s secret treasury account.<sup>25</sup> Adherents may also use the UCC-1 to file liens based on the judgments of common law courts. This tactic has prompted several states to pass laws allowing prompt resolution of such fraudulent claims.<sup>28</sup>

#### *Use of Capital Letters*

Sovereign citizens believe the name of a flesh-and-blood person is written with initial capital letters only and that the use of all capital letters refers to the corporate entity or strawman. Since the use of all capital letters for names is common on birth certificates and legal documents, including probable cause affidavits, to sovereign citizens, the use of the upper case means that these documents refer to corporate entities and not to the actual sovereign citizen.<sup>25</sup> In addition, the use of punctuation in a person’s name is thought to signify that the holder is a flesh-and-blood person.<sup>25</sup>

#### *Office of the Person*

This is a variation on the idea that the government has conspired to prevent its citizens from being free men and women. Sovereign citizens argue that because the statutory definition of person does not include man or woman, criminal statutes apply only to those who hold the office of the person. Governments appoint people to the office of the person through the use of licenses, permits, and state benefits and thus gain the authority to regulate them. People accept this status by answering questions posed to them by state officeholders or government officials, including judges, attorneys, police, and bureaucrats. Sovereign citizens who follow this belief system do not answer questions, particularly those posed by police, attorneys, and judges, but only pose them to others.<sup>29</sup>

#### *License Plates and Drivers Licenses*

Sovereign citizens believe they have a God-given and constitutionally guaranteed right to travel over the land and reject the use of driver’s licenses and license plates, to free themselves from the control of the corporate government. They then create their own



license plates and driver's licenses, which can prompt traffic stops by observant police officers. These stops often lead to a frustrating discussion between the officer and the sovereign citizen, who presents a pastiche of quasi-legal, oddly worded arguments to justify his use of false plates and license. While many of these stops are routine, a few have had tragic results, when extremist sovereign citizens, like Jerry Kane, violently resist police efforts to issue a traffic citation.<sup>30</sup> To decrease the risk of such incidents, watchdog organizations and law enforcement agencies have publicized the warning signs that an officer may have pulled over a sovereign citizen.<sup>31</sup>

## Discussion

Based on this case series, which was collected by one evaluator over a period of 10 years, sovereign citizen defendants hold a variety of idiosyncratic legal theories and political beliefs that may appear delusional. One must be cautious about drawing conclusions based on a small case series, but examination of the nine competence assessments showed that each defendant held a unique combination of sovereign citizen beliefs. It therefore appears likely that there is no typical sovereign citizen; rather, there is a core group of beliefs that are adopted and adapted by each sovereign citizen. Within the case series, all but one of the sovereign citizen defendants referred for competence evaluation were male and reasonably well educated; most were middle aged, which is consistent with what little is known about sovereign citizens.<sup>16</sup> None of them had a known history of psychosis and, of the six who cooperated with the evaluation, most appeared to have had a relatively normal upbringing. None showed any significant cognitive deficits on mental status examination. From a clinical perspective, the defendants in this group were unremarkable.

The background information on sovereign citizen beliefs was primarily drawn from the websites of two prominent civil rights watchdog organizations and the FBI, and their contents were consistent with one another and appeared reliable. Based on these sources, sovereign citizen beliefs are shared by a large group of adherents, so they are best understood as an extremist political philosophy and not as a psychotic belief system. This puts sovereign citizens into the realm of cross-cultural forensic assessment,<sup>32</sup> based on their shared belief system and their status as outsiders relative to American culture in general. Given

this perspective, it is interesting to note that all of the defendants in this case series came from an urban county and a majority (67%) were African American, even though sovereign citizen beliefs have been, until recently, typically associated with rural settings, and the history of the sovereign citizen movement has strong racist themes. The extension of sovereign citizen beliefs to urban African Americans may be explained by the popularity of these beliefs within jails and prisons, where they are learned from other inmates.<sup>16</sup> Such beliefs gained prominence during high-profile murder trials in Maryland in 2005–2009<sup>33</sup> and in Arizona in 2012.<sup>34</sup> The results of a Lexis search were consistent with the recent growth of sovereign citizen beliefs among African Americans, as most of the cases came from the current decade and many of the 2011 and 2012 cases involved Moorish-American claims.

It should be noted that the Anti-Defamation League has reported the spread of sovereign citizen adherents to other countries, including Canada, Australia, New Zealand, and Great Britain,<sup>16</sup> even though the legal systems in those countries are rather different from the U.S. system. Evaluations of defendants who hold sovereign citizen beliefs are facilitated when the evaluator recognizes these beliefs as strongly held political beliefs and discusses them in a nonjudgmental manner, in essence treating them as a cultural identity. As this case series showed, defendants who have sovereign citizen beliefs come from a variety of backgrounds and hold very individual interpretations of the sovereign citizen movement. A forensic clinician who evaluates a sovereign citizen should consider his competence report on such a defendant as a cultural interpretation of the sovereign citizen political culture for the court. It is incumbent on the evaluator to explain the context of the defendant's claims so that the court can make an informed decision about the defendant's competence to stand trial.

The first sovereign citizen evaluated was diagnosed with delusional disorder, based on the fixed nature of his evidently false beliefs about the legal system. In retrospect, it is quite likely that this defendant did not truly meet criteria for a diagnosis of delusional disorder, in that his beliefs were not as unique as they appeared to be on first impression. Similarly, the first evaluator in *United States v. Cordell* believed the defendant was delusional and incompetent; a subsequent evaluator, who was familiar

with sovereign citizen beliefs, made no diagnosis of a mental disorder and felt that the defendant was competent to stand trial.<sup>21</sup> Since sovereign citizen beliefs are akin to a shared belief system, sovereign citizens can be understood as members of a cultural group. They thus do not qualify for a diagnosis of a psychotic disorder based only on the nature of the shared beliefs. The first sovereign citizen defendant evaluated was also thought to be incompetent to stand trial at the time of the evaluation, because of his apparent delusional disorder, although in retrospect, with the benefit of additional information about sovereign citizen beliefs, this defendant was almost certainly competent to stand trial. Once it became clear that defendants who espouse sovereign citizen beliefs share a set of quasi-legal beliefs that are derived from an extreme political philosophy, subsequent defendants who held similar beliefs were not diagnosed with a psychotic disorder and were not ruled incompetent to stand trial.

The diagnoses of the six sovereign citizen defendants who completed the interview were all based solely on the clinical interview portion of the competence evaluation, which is typically achieved in one session lasting one to two hours. Given the relative brevity and the forensic context of the assessments, additional clinical interviews of the defendants might have revealed more diagnoses, particularly in the realm of the personality disorders. Collateral interviews of friends and family might have yielded pertinent information about possible diagnoses as well.

It is important to note that during the study period sovereign citizen beliefs were a rare cause for assessment of competence to stand trial in Marion County, Indiana, as only a handful of cases were identified out of the nearly 40,000 criminal cases processed every year in the Superior Court system.<sup>35</sup> Indeed, this case series was self-limiting; as judges became aware of sovereign citizen beliefs and were able to recognize them in court, referrals for evaluation of competence declined. Based on the SPLC estimate of the prevalence of people who hold sovereign citizen beliefs in the United States, the cases in this series thus likely represented only a very small percentage of such individuals in Marion County. Indeed, sovereign citizen beliefs are thought to be fairly common in Indiana, for in 2012 the Indiana Secretary of State reported that his office regularly

received documents requesting recognition as a sovereign citizen.<sup>36</sup>

When the topic of sovereign citizens was presented to an Indiana Judicial Conference meeting in April 2012, all of the nearly 50 judges in the room, most from rural counties, had had direct experience with sovereign citizens in their courtrooms, in both criminal and civil matters, which is consistent with the general understanding of sovereign citizen beliefs as being most strongly supported in rural settings. The rural judges' familiarity with these beliefs and their adherents most likely contributed to the report of most that they had adopted strategies for handling the idiosyncratic beliefs, statements, and behaviors of sovereign citizens, by simply rejecting their strange interpretations of the Constitution and state laws and reminding the defendants of the authority of the court. Indeed, very few of these judges had requested psychiatric evaluation of sovereign citizens, and none of the judges from rural counties had done so. The defendants in the current case series were referred by judges who were not familiar with sovereign citizen beliefs. From that perspective, although the defendants in the cases in this series may seem inconsistent with the larger population of sovereign citizens, they may be typical of the defendants who could be seen as incompetent by a particular court. The Indiana judges at the conference all agreed that their sovereign citizen cases had presented significant challenges to their courts, as these cases often required more time than usual to resolve, both in court and administratively. The time consumed in these matters is not trivial, as sovereign citizens often attempt to overwhelm the court by filing multiple and extensive motions and court documents, as has been recently noted in Indiana and Oklahoma.<sup>37,38</sup> The judges also noted that frustrated prosecutors may dismiss a case against a sovereign citizen to prevent further waste of resources, which in turn emboldens sovereign citizens to persist in use of their strategies.

## Conclusion

Familiarity with the basic tenets held by sovereign citizens, should prevent inaccurate assessment of defendants who hold these beliefs if they are referred for evaluation of competence to stand trial. Based on the findings of this case series, a defendant who puts forward sovereign citizen beliefs in court or during a

competence assessment is unlikely to lack the capacity to understand the nature and objectives of criminal proceedings or to be unable to assist his attorney.

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