

Sovereign Citizens and Competency to Stand Trial

George F. Parker, MD

Urban and African-American sovereign citizens represent an underappreciated population of the sovereign citizen movement, who have adapted sovereign citizen beliefs to their own circumstances, overlooking the white supremacist origins of the sovereign citizen movement. The number of African-American sovereign citizens is not known, but though they appear to represent a very small percentage of criminal defendants referred for evaluation of competence to stand trial, they have a disproportionate impact on the court system because of their efforts to stymie the proceedings by asserting sovereign citizen beliefs. As a result, judges are often familiar with sovereign citizen beliefs and have adopted strategies to thwart the impact of sovereign citizens on their courts. Quantitative research on forensic evaluations of sovereign citizens, from all demographic groups, represents a challenge, given the low number of defendants referred for evaluation, but qualitative research on how they came to adopt sovereign citizen beliefs could be fruitful.

J Am Acad Psychiatry Law 46:167–70, 2018. DOI:10.29158/JAAPL.003743-18

The article on competence evaluations of sovereign citizens by Paradis *et al.*¹ sheds light on an underappreciated aspect of the small community of Americans who hold sovereign citizen beliefs: the urban and African-American adherents. The roots of the sovereign citizen movement are generally accepted to be white, rural, and racist,² so it may seem counterintuitive for sovereign citizen beliefs to take hold in an urban African-American population. However, organizations who track hate groups, such as the Anti-Defamation League (ADL), have documented the rise of sovereign citizen beliefs in the African-American population of the United States³ and believe this trend started in East coast cities in the 1990s. At that time African-American people began to merge sovereign citizen beliefs with ideas drawn from the Moorish Science Temple, a religious sect founded in 1913 in Chicago. Since sovereign citizens typically claim to be no longer subject to the law and believe they can thus avoid obligations like paying taxes, it is perhaps not surprising that African-American citizens overlooked the racist origins of sovereign citizen beliefs and adapted them to their own circumstances. The founder of the Moorish Sci-

ence Temple argued that African Americans should be considered “Moors of America”;⁴ unfortunately, this idea has been merged by African-American sovereign citizens with the 1786 treaty between Morocco and the United States, to draw the conclusion that Moors have a separate citizenship status in the United States.³ As an aside, it is important to note that the Moorish Science Temple does not approve of the appropriation of its name and some of its ideas by sovereign citizen adherents.⁵ African-American adherents to sovereign citizen beliefs have also appropriated ideas drawn from the Washitaw Nation, a small group originally based in Louisiana, which held that southern African-Americans are descended from ancient tribes who possessed the land that became the Louisiana Purchase. After the original Washitaw group splintered, many former followers gravitated to sovereign citizen beliefs.³ The subsequent propagation of these adapted sovereign citizen ideas among African-Americans has since been facilitated by the Internet and by word-of-mouth marketing in jails and prisons. As a result, few African-American sovereign citizens are aware of the racist origins of some of their beliefs.

Although it is difficult to ascertain accurately the number and demographic characteristics of sovereign citizens in the United States, it appears African-American sovereign citizens form a minority of sovereign citizen adherents overall. The Southern Poverty Law Center (SPLC) estimated in 2011

Dr. Parker is Professor of Clinical Psychiatry and Director of Forensic Psychiatry, Indiana University School of Medicine, Indianapolis, IN. Address correspondence to: George F. Parker, MD, IU Health Neuroscience Center, 355 W. 16th Street, Suite 2800, Indianapolis, IN 46202. E-mail: geoparke@iupui.edu.

Disclosures of financial or other potential conflicts of interest: None.

Evaluation of Sovereign Citizen Trial Competency in an Urban Setting

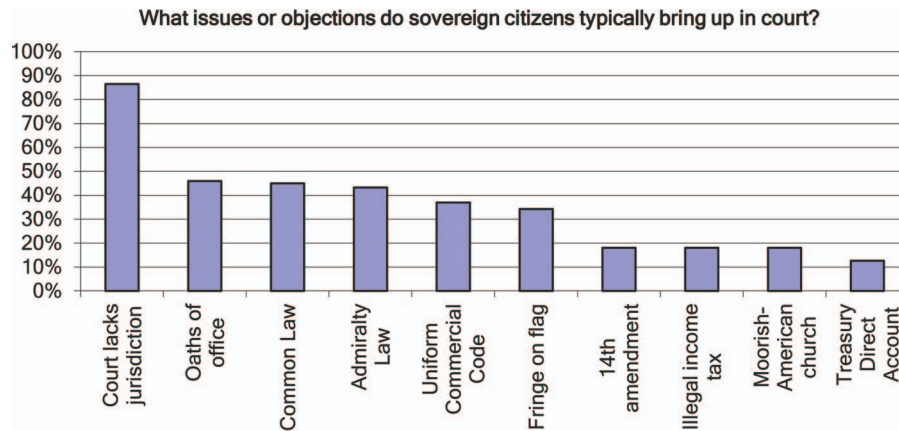


Figure 1. Sovereign citizen beliefs raised in court.

that there were 500,000 sovereign citizen adherents in the United States (0.16% of the U.S. population),⁶ but to the best of my knowledge, there is no published estimate of the proportion of these adherents who are African-American. However, consistent with my case series, in which 67 percent of the sovereign citizens were African-American,² Paradis *et al.* found it was quite common for sovereign citizens referred for evaluation of competence to stand trial (CST) in an urban setting to be African-American, and that finding raises the possibility that a significant proportion of the sovereign citizens in the criminal justice system are African American. To put this notion in perspective, though, it should be noted that the 36 sovereign citizens studied by Paradis *et al.* represented a small proportion (~2%) of the approximately 2,000 defendants evaluated for CST by the Brooklyn forensic service from 2007 to 2016.¹ To put those statistics in further context, the criminal courts in the Bronx handled nearly a half million criminal cases (~134,000 felony cases and ~362,000 misdemeanor cases) over the course of the Paradis study,⁷ which means that competence evaluations were requested in 0.4 percent of all criminal cases and sovereign citizens were evaluated in 0.007 percent of all criminal cases. Although the evaluation of a sovereign citizen can be a memorable experience, sovereign citizens, African-American or otherwise, are uncommonly referred for evaluation of CST.

Despite their low numbers, it appears evident that sovereign citizens are disproportionately present in criminal and civil courts. Even if they are not often referred for evaluation of CST, they certainly stand out from the stream of other defendants and they often make a remarkable impression when they ap-

pear in court. A Google search of “sovereign citizens in court” will lead to numerous YouTube videos of sovereign citizens putting forward their beliefs in court and the judicial reactions to these efforts. Another way to survey sovereign citizens in court is The Sovereign Files, a new monthly feature of the Hate-watch blog on the SPLC website, which posts summaries of court cases involving sovereign citizens; for example, the March 1, 2018 posting⁸ included cases involving tax fraud from Indiana, the illegal purchase of a home in Nevada, a carjacking in New Jersey, and an aggravated burglary in Ohio; a further Google search showed that the Indiana and New Jersey cases involved African-American defendants and the Nevada and Ohio defendants were white. Despite the relatively low number of sovereign citizens in the United States, their proclivity for court involvement and the presence of their beliefs in American culture for over 20 years means that many judges are familiar with sovereign citizens. For example, when Indiana judges were surveyed on their interactions with sovereign citizen in court in 2013, 99 percent of the 135 respondents had had experience with one or more sovereign citizens per year and 8 percent heard between 6 and 10 cases per year.⁹

So how can we be useful to our judicial colleagues when it comes to sovereign citizens? As Paradis *et al.* point out, sovereign citizens are not immune to serious mental disorders. In the case series I described in 2014,² only the first of the nine sovereign citizen defendants described was given a diagnosis of a psychotic disorder, and that diagnosis was inaccurate in retrospect, as the defendant’s sovereign citizen beliefs were the sole basis of the diagnosis of delusional disorder. In contrast, Paradis *et al.* found that psychotic

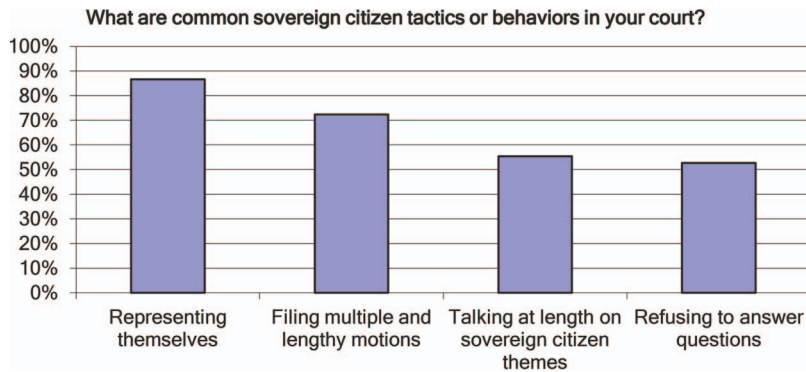


Figure 2. Legal strategies of sovereign citizens.

disorders were diagnosed by both evaluators in 10 of the 36 (28%) sovereign citizens evaluated in Brooklyn between 2007 and 2016 and another 6 (17%) were diagnosed with a mood disorder; after evaluation, 8 of the defendants with a psychotic disorder and 2 of those with a mood disorder were deemed to be incompetent to stand trial. This outcome suggests that psychotic or mood symptoms may have prompted the request for CST evaluation in a substantial proportion of the defendants who were found to hold sovereign citizen beliefs and also raises the possibility that sovereign citizen beliefs were an incidental finding on evaluation. That sovereign citizen beliefs would not be known before the evaluation would not be surprising, as psychotic disorders are a common reason for a finding of incompetence¹⁰ and evidence of a mood disorder can, in my experience, form the basis for a referral for evaluation of CST. Thus, one way we can help judges who refer a sovereign citizen for CST evaluation is to clarify what part of the defendant’s presentation is due to an underlying mental disorder and what part is the result of sovereign citizen beliefs.

I have found that judges are generally attentive to the reports they receive. The judges in Marion County, IN, who were the source of the referrals that led to my case series, have sent me only three sovereign citizens for evaluation since 2012, likely because the judges now recognize that sovereign citizen beliefs alone do not constitute evidence of a mental disorder or incompetence to stand trial. Judicial education on the political, rather than psychotic, nature of sovereign citizen beliefs could be an important service of forensic clinicians who are asked to perform a CST evaluation of a sovereign citizen. It may also be helpful for a forensic clinician to offer suggestions regarding management of sovereign citizens in court. If a judge is reluctant to take advice from a forensic evaluator, it may help to refer him/her to the results of a survey of Indiana judges,⁹ which described the beliefs often raised in court by sovereign citizens (Fig. 1), the legal strategies typically adopted by sovereign citizens (Fig. 2), and the judicial interventions found to be effective in managing sovereign citizens in court (Fig. 3).

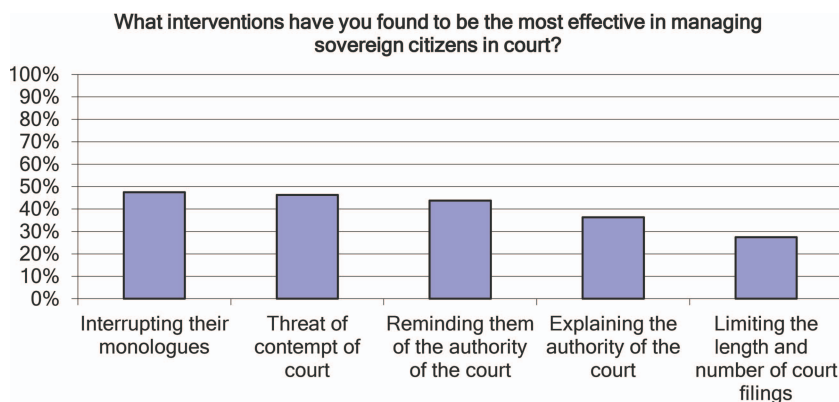


Figure 3. Judicial management in proceedings involving sovereign citizens.

Finally, the Brooklyn court clinic clinicians were quite successful in interviewing their sovereign citizen defendants. In my experience, sovereign citizens are often reluctant to cooperate with a court-ordered psychiatric evaluation; three of the nine defendants in my case series refused to participate in the interview, and two of the three sovereign citizens referred to me for evaluation since then have also declined to cooperate with the interview. The Brooklyn study is based on a retrospective review of CST reports of sovereign citizens, who were identified by searching the court clinic report database using keywords. It seems likely that for defendants who were uncooperative with the interview, no formal report might be entered into the database, or the report might be brief and not include any of the keywords used by the researchers. While we may never know how many Brooklyn sovereign citizens refused to participate in a CST evaluation, the issue of cooperation with the evaluation is quite pertinent when a sovereign citizen is evaluated. It is important to remember that, per *Dusky*, it is a defendant's capacity to understand the proceedings and assist his attorney that is critical to CST, not his willingness to do so.¹¹

The Paradis study is a good example of retrospective research that has extended initial investigations on a topic: in this case, CST evaluations of sovereign citizens in criminal court. Given the low frequency of these evaluations, further extension of this research will be a challenge, even in a very busy urban criminal court. However it would be interesting to see a study matching sovereign citizen defendants with demographically similar nonsovereign citizen defendants, to try to understand better the nature and characteristics of sovereign citizen defendants. It would also be interesting to do a qualitative study of such defendants, assuming they would cooperate with the in-

terview, to understand where such defendants acquire their beliefs and why sovereign citizen beliefs resonate so strongly with them. As Paradis *et al.* have discovered, the race of such defendants would be a critical element to track in such a study.

References

1. Paradis C, Owen E, McCullough G: Evaluations of urban sovereign citizens' competency to stand trial. *J Am Acad Psychiatry Law* 46:158–66, 2018
2. Parker GF: Competence to stand trial evaluations of sovereign citizens: a case series and a primer of odd political and legal beliefs. *J Am Acad Psychiatry Law* 42:338–49, 2014
3. Pitcavage M: The Washitaw nation and Moorish sovereign citizens: what you need to know. New York: ADL, July 18, 2016. Available at: <https://www.adl.org/blog/the-washitaw-nation-and-moorish-sovereign-citizens-what-you-need-to-know/>. Accessed February 11, 2018
4. Moorish Science Temple of America: Love for Nationality and Citizenship. Available at: <http://msta1913.org/LoveForNationality.html/>. Accessed February 11, 2018
5. Moorish Science Temple of America: Statement on the radical and subversive fringe groups claiming to be affiliated with the Moorish Science Temple of America, July 15, 2011. Available at: http://msta1913.org/statement_radical_moors.pdf/. Accessed on February 11, 2018
6. Southern Poverty Law Center: Sovereign Citizens Movement. Available at: <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement/>. Accessed on February 11, 2018
7. Lindsay L: Criminal Court of the City of New York: 2016 Annual Report. Edited by Barry J. Available at: <http://www.nycourts.gov/courts/nyc/criminal/2016-Annual-Report-Final.pdf/>. Accessed February 11, 2018
8. Southern Poverty Law Center: The Sovereign Files: February 1, 2018. Available at: <https://www.splcenter.org/hatewatch/2018/02/01/sovereign-files-2118/>. Accessed on February 11, 2018
9. Parker DA, Parker GF: Indiana judges' experience with sovereign citizens. Poster presented at the October 2014 Annual Meeting of the American Academy of Psychiatry and the Law. Chicago, October 23–26, 2014
10. Pirelli G, Gottdiener WH, Zapf PA: A meta-analytic review of competency to stand trial research. *Psychol Pub Pol'y & L* 17:1–53, 2011
11. *Dusky v. U.S.*, 362 U.S. 402 (1960).