
FALSE SOVEREIGNTY, REAL CONSEQUENCES: HOW TO
COMBAT SOVEREIGN CITIZENS’ REIGN OF
CONSTITUTIONAL CHAOS

MCKENNA LONGO*

Abstract

Sovereign citizens are a legal anomaly. While they generally believe that the United States government functions illegitimately, there is no one unifying belief among sovereign citizen groups. Although they are often written off as pure courtroom entertainment, this ignores the threat they pose to the rule of law. Even though they believe they are not subject to the United States’ jurisdiction, they continue to use the justice system to their advantage—without accepting the validity of its laws and procedures. While many states have either ignored the problem entirely or implemented punitive and procedural sanctions against sovereign citizens’ bogus filings, the current attempts at addressing the sovereign citizen threat are inadequate. Rather, it is the legal system’s duty to refute these baseless arguments by applying established United States law, as well as to educate judges, attorneys, and law enforcement officers about the severity of the sovereign citizen threat.

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*McKenna Longo is a 2025 J.D. Candidate at Elon University School of Law, where she serves as Articles Editor for We the People and as a member of the Moot Court Board. She wishes to thank the Honorable Senior Resident Superior Court Judge Andrew H. Hanford for his inspiration on the topic of sovereign citizens. She also extends her gratitude to her family and friends for their unwavering support, without which this milestone would not have been possible.

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I. INTRODUCTION

Whether referred to as “freemen of the land,” “organic citizens,” or an outright cult, the term “sovereign citizen” most commonly refers to anti-government individuals and groups.¹ At first glance, this label may be

¹ See Michael N. Colacci, *Sovereign Citizens: A Cult Movement that Demands Legislative Resistance*, 17 RUTGERS J.L. & RELIGION 153, 153–54 (2015); see also Charles E. Loeser, *From Paper Terrorists to Cop Killers: The Sovereign Citizen Threat*, 93 N.C. L. REV. 1106, 1109 (2015).

misleading, as it portrays sovereign citizens in a broad light that may not encompass all sovereign ideologies.² In fact, there is no universal affiliation with any one sovereign citizen group; rather, members comprise various groups which subscribe to vastly different ideologies.³ Ultimately, the unifying link among sovereign citizen beliefs is that all governments—whether federal, state, or local—operate illegally.⁴

The Federal Bureau of Investigation (FBI) defines sovereign citizens as “individuals who openly reject their [United States] citizenship status, believe that most forms of established government, authority, and institutions are illegitimate, and seek, wholly or in part, through unlawful acts of force and violence, to further their claim to be immune from government authority.”⁵ They adhere to a belief that the American system of government is illegitimate, making them exempt from the fraudulent authority of law enforcement and courts of justice.⁶ Core to their sovereign status is their belief that they retain a common law identity, exempting them from the federal government’s authority.⁷ Some of the most common tactics implemented to retain their sovereign status include: creating their own driver’s licenses and license plates; adding their thumbprints to court filings; and adding “Bey” or “El Bey” to their names.⁸

Ultimately, it is difficult to calculate membership in the sovereign citizen movement because the majority of “members” have no official affiliation.⁹ Estimates in the United States indicate that approximately 300,000 to 500,000¹⁰ people are affiliated with sovereign citizen groups.¹¹ A 2020 Study of Terrorism and Responses to Terrorism (START) estimated that

² See Elliott J. H. Abromeit, *Sovereign Citizens: Losing the Game by Refusing to Play*, IOWA J. GENDER, RACE & JUST. (Sept. 22, 2023, 1:43 PM), <https://jgrj.law.uiowa.edu/news/2023/09/sovereign-citizens-losing-game-refusing-to-play>; see also Christine M. Sarteschi, *Sovereign Citizens: A Narrative Review with Implications of Violence Towards Law Enforcement*, 60 AGGRESSION & VIOLENT BEHAV., Sept.–Oct. 2021, at 8.

³ See Loeser, *supra* note 1, at 1119 (“Common groups include the Moorish Nation, the Aware Group, Washitaw Nation, the Republic of the United States of America, Freeman, Freemen on the Land, Sons of Liberty, and the Aryan Nation.”).

⁴ *Id.*

⁵ Sarteschi, *supra* note 2, at 2 (quoting FBI Counterterrorism Division, *Black Identity Extremists Likely Motivated to Target Law Enforcement Officers*, FBI (Aug. 3, 2017), [<https://privacysos.org/wp-content/uploads/2017/10/FBI-BlackIdentityExtremists.pdf>]).

⁶ Michael Crowell, *A Quick Guide to Sovereign Citizens*, UNC SCH. GOV’T: ADMIN. JUST. BULL., Nov. 2015, at 1, <https://www.sog.unc.edu/sites/default/files/reports/aojb1504.pdf>.

⁷ Loeser, *supra* note 1, at 1125.

⁸ *Id.*

⁹ See *id.* at 1119.

¹⁰ See Caesar Kalinowski IV, *A Legal Response to the Sovereign Citizen Movement*, 80 MONT. L. REV. 153, 154 (2019) (“Although this number has been called into question, the fact remains that thousands of adherents exist.”).

¹¹ Sarteschi, *supra* note 2, at 2.

“approximately 30% of all far-right extremists” are or were affiliated with the sovereign citizen movement at one point.¹² However, the movement is not limited to the United States, as it has recently gained worldwide popularity in regions such as Canada, the United Kingdom, Scotland, Ireland, New Zealand, and South Africa.¹³ The FBI predicts the movement will continue to gain popularity as Internet access and other means of disseminating information continue to increase.¹⁴

While it may be easy to write off sovereign citizens as pure nuisances that have poor punctuation skills and provide courtroom entertainment, they present an alarming threat to the justice system. Rather than ignoring or dismissing their ideologies, it is imperative that the legal community attempts to understand the movement to avoid its detrimental effects of paper terrorism and physical violence.¹⁵ In a time where there is great skepticism of the Constitution, rule of law, and the American scheme of justice, it is crucial that lawyers reinstate public trust in the justice system by informing the public of their *actual* constitutional rights, rather than allowing sovereign citizens to spread their misinterpretations of the Constitution. To achieve this, the legal system must promote education about sovereign citizens’ beliefs, implement pre-filing injunctions and procedural safeguards, and foster an overall perception of fairness in the justice system.

II. RADICAL ROOTS: HOW HISTORY GAVE RISE TO THE SOVEREIGN CITIZEN MOVEMENT.

i. Historical Origins – Roots in Radical Rightists Groups: The Posse Comitatus, Tax Protestors, and The Militia Movement.

The history of sovereign citizens is complex, as there is no one single origin for sovereign beliefs.¹⁶ However, sovereign citizen affiliation can be traced back to three radical rightist groups: The Posse Comitatus, Tax

¹² *Id.*

¹³ *Id.*

¹⁴ FBI’s Counterterrorism Analysis Section, *Sovereign Citizens: A Growing Domestic Threat to Law Enforcement*, FBI L. ENF’T BULL. (Sept. 1, 2011), <https://leb.fbi.gov/articles/featured-articles/sovereign-citizens-a-growing-domestic-threat-to-law-enforcement>; J.M. Berger, *Without Prejudice: What Sovereign Citizens Believe*, GEO. WASH. U. PROJECT ON EXTREMISM (2016), at 5–6. *See also* Sarteschi, *supra* note 2, at 3 (explaining some individuals learn about sovereign citizens through seminars where people teach “workshops claiming instant debt relief from mortgages, tax bills, and student loans.”) (internal citation omitted).

¹⁵ *See* Abromeit, *supra* note 2. *See generally* Loeser, *supra* note 1.

¹⁶ Berger, *supra* note 14, at 7.

Protestors, and the Militia Movement.¹⁷ The Posse Comitatus embodied racist and anti-Semitic principles, believing that the federal government functioned illegally.¹⁸ Posse members engaged in “paper terrorism,” by which members would sue the Federal Reserve and file false liens against public officials.¹⁹ Members also engaged in “severation,” whereby they attempted to “reclaim sovereignty or ‘true freedom’ by returning or destroying” government-issued documents that “intrude upon their God-given rights.”²⁰ While sovereign citizens have primarily abandoned their radical roots, Posse ideologies continue to permeate the modern movement, evidenced by sovereign citizens’ distrust in the Federal Reserve, and an abundance of incorrect beliefs related to the United States’ debt and currency.²¹

An equally influential group on sovereign citizens is the Tax Protesters, individuals who argue that income tax is illegitimate under the Constitution.²² Members of the Tax Protestors subscribe to anti-tax ideologies, arguing the Sixteenth Amendment was never properly ratified; therefore, income tax violates the Fifth Amendment.²³ Tax protestors are still prevalent today, and they remain active in the federal judiciary.²⁴

Finally, the Militia Movement largely influenced sovereign citizen ideologies.²⁵ The Militia Movement was founded on principles of government corruption—believing the federal government was controlled by the “New World Order,”²⁶ and the “militiamen are the only capable saviors of true American values.”²⁷ Militia members object to the Fourteenth Amendment, income tax, and gun control legislation, as they believe that the modern government has expanded illegally.²⁸ Members are characterized by their violent tendencies because they believe that resistance and violence are the only righteous means to return the United States to the

¹⁷ Loeser, *supra* note 1, at 1111–15.

¹⁸ *Id.* at 1111.

¹⁹ *Id.* at 1112.

²⁰ *Id.* (quoting MORRIS DEES WITH JAMES CORCORAN, GATHERING STORM: AMERICA’S MILITIA THREAT 87 (1996)).

²¹ Berger, *supra* note 14, at 10.

²² Loeser, *supra* note 1, at 1112–13.

²³ *Id.*

²⁴ *Id.* at 1113.

²⁵ *See id.*

²⁶ *See id.* (citing Hua Hsu, *A Global Government Is Waiting in the Wings*, N.Y. MAG. (Nov. 15, 2013), <https://nymag.com/news/features/conspiracy-theories/new-world-order/>).

²⁷ *Id.* (citing LANE CROTHERS, RAGE ON THE RIGHT: THE AMERICAN MILITIA MOVEMENT FROM RUBY RIDGE TO HOMELAND SECURITY 2 (2003)).

²⁸ *Id.* at 1114.

common law practices of the Founding Fathers.²⁹ Today, however, the largely violent practices of the Militia Movement have ended, but radical, rightist, anti-government groups still remain.³⁰ Although sovereign citizens still engage in forms of physical violence, their weapons of choice in their attack on the justice system typically consist of paper terrorism—a practice rooted in fundamental misconceptions of the law and American history.³¹

ii. Hijacking History: The Strawman, The Flesh and Blood Person, and The Redemption Scheme

Although the sovereign citizen movement first commenced in the 1990s, it is rooted in decades of alternative interpretations of American history.³² Some sovereign citizens believe that during the Civil War or the Great Depression, admiralty law supplanted the common-law legal system established by the Founding Fathers—rendering the sovereign citizens “slaves” under admiralty jurisdiction and “free” only under what they view as the legitimate, common-law system.³³ Admiralty law is also viewed as the “King’s Law.”³⁴ Sovereigns argue that admiralty jurisdiction exists in courts of justice based on the presence of a yellow-fringed American flag, constituting a deprivation of due process because courts have unlawfully stripped individuals of their inalienable constitutional rights.³⁵

An additional misconception centers on the passage of the Federal Reserve Act in 1913, which sovereign citizens view as a catalyst for the financial ruin of the United States.³⁶ Because the Federal Reserve is a private corporation with the authority to issue private commercial debt,³⁷ they believe the government assigned its citizens as collateral to keep up with the demands of federal spending.³⁸ Some further assert that this pledge

²⁹ See Loeser, *supra* note 1, at 1114–15 (describing the Ruby Ridge incident, which was a large-scale standoff between militia member Randy Weaver and federal agencies which resulted in the death of Weaver’s wife and son. The misconception that federal agents killed them intentionally vindicated the militia movement nationwide).

³⁰ See generally Loeser, *supra* note 1.

³¹ See generally Berger, *supra* note 14.

³² *Id.* at 2.

³³ Loeser, *supra* note 1, at 1120 (citing Hsu, *supra* note 26).

³⁴ Kalinowski, *supra* note 10, at 163.

³⁵ *Id.* at 163–64.

³⁶ *Id.* at 164.

³⁷ See *id.* at 165 (explaining that these instruments are “known as ‘Federal Reserve Notes.’”).

³⁸ See *id.* at 165 (describing that pre-redeemed persons are “forced to work off the U.S. Government’s debt as a surety to one’s artificial person and a wage-slave, because ‘any time you use [Federal Reserve Notes], you are dealing with the property of a corporation, a legal fiction in law.’”) (quoting *The Truth about the United States Government Bankruptcy! And National Emergencies!*, U.S.A. THE REPUBLIC, <https://perma.cc/G4QV-P8T6?type=standard> (archived Feb. 17, 2019)).

occurred when the United States abandoned the gold standard for currency in the 1930s, effectively pledging each citizen’s future earning capabilities to foreign governments.³⁹ Abandoning the gold standard, they argue, “rendered U.S. currency as a valueless credit note,” prompting the government to use its citizens as collateral by issuing social security numbers and birth certificates, thus registering individuals in trade agreements with foreign countries.⁴⁰

Sovereign citizens further believe this transaction occurs at birth, with the government establishing a treasury account in the name of each individual born in the United States, allowing the government to levy against that person’s future earnings.⁴¹ The treasury account, referred to as the “corporate shell account,” or the “Treasury Direct Account,” creates two separate identities: the corporate strawman, and the flesh and blood person.⁴² The “strawman” is believed to be a fictitious person, created by the illegitimate law, that is akin to a legal entity with the same name as the citizen.⁴³ This fictitious person is denoted in birth certificates, social security cards, licenses, and tax forms, by listing the person’s name in all capital letters.⁴⁴

Based on their assertion that the fictitious person is pledged as collateral for government debt, sovereign citizens believe they can access funds held in the treasury account through a process called redemption.⁴⁵ According to redemption theory, adherents believe they can use legal filings to separate themselves from their “strawman” identity, thereby accessing funds held in the treasury account and placing them beyond the law’s reach.⁴⁶ Furthermore, they believe the “pre-redeemed” person acts as a beneficiary of the bond held in the treasury account, while the “redeemed” person benefits by gaining control over the strawman and becoming the creditor with the highest lien interest.⁴⁷

³⁹ Crowell, *supra* note 6, at 2; Colacci, *supra* note 1, at 154.

⁴⁰ FBI, *supra* note 14.

⁴¹ See Colacci, *supra* note 1, at 154–55; see also Kalinowski, *supra* note 10, at 165 (explaining that the government registered “all newborn babies, through their ‘Certificate of Live Birth’ and social security numbers, in Washington, D.C. A ‘bond’ is then taken out by the Department of Treasury and held in a “Treasury Direct Account.”) (citing Barton Albert Buhtz, *An Investigative Report*, FAMILY GUARDIAN FELLOWSHIP (May 26, 2003), at 2, 6, <https://familyguardian.org/Subjects/MoneyBanking/UCC/InvestigativeReportUCC.pdf>).

⁴² Colacci, *supra* note 1, at 154–55; Kalinowski, *supra* note 10, at 159.

⁴³ Loeser, *supra* note 1, at 1121.

⁴⁴ See Loeser, *supra* note 1, at 1121 (describing that sovereign citizens believe “they are not bound by or to such government-issued identification and documents, as such documents represent only their strawman identity.”).

⁴⁵ Berger, *supra* note 14, at 6.

⁴⁶ Loeser, *supra* note 1, at 1121; Colacci, *supra* note 1, at 155.

⁴⁷ Kalinowski, *supra* note 10, at 165–66.

Although the redemption scam began in the 1980s, it has transformed significantly over the years, becoming the most pervasive method of defrauding the United States government.⁴⁸ Sovereign citizens mistakenly believe the redemption theory has a sound basis in law based on their misinterpretations of the Uniform Commercial Code (UCC).⁴⁹ When the UCC was published in 1952, sovereigns assert that it codified the illegitimate commercial law by standardizing business transactions across state lines.⁵⁰ By filing a UCC financing statement, they believe they can invoke the special privileges of common law citizens and therefore establish their superior priority right to the Treasury Account.⁵¹ Because courts acknowledge courts are without authority to “amend, alter, or nullify” the UCC, sovereigns believe that invoking the UCC is an incontestable defense, supplanting all constitutional and statutory law.⁵² However, their misunderstanding of the UCC is only the beginning, as sovereign citizens also distort constitutional provisions in an attempt to legitimize their unfounded arguments.

iii. Alternative Fourteenth Amendment History: Artificial vs. Natural Persons and the Public Debt Provision.

Based on their false interpretations of the UCC and American history, sovereign citizens argue two classes of citizenship were created when the Fourteenth Amendment was ratified.⁵³ The first is a form of “second-class citizenship”—known as federal citizens or artificial persons—which is characterized as less-empowered and more subject to government influence.⁵⁴ They argue that artificial persons are subject to federal government jurisdiction and corporate income tax because they consent to the Fourteenth Amendment based on their status as federal citizens.⁵⁵ Such consent stems either from birth certificates, which feature an individual’s birth name in all capital letters, or from the issuance of a social security number.⁵⁶ Artificial persons purportedly include those that do not believe in sovereign citizen tenets, therefore contracting with the federal government,

⁴⁸ Berger, *supra* note 14, at 11; FBI, *supra* note 14.

⁴⁹ See generally Kalinowski, *supra* note 10, at 166 (describing that “Sovereign Citizens believe [the UCC] ‘is legislated (Administrative Law) that codifies the rules for all commercial transactions between countries, states and individuals.’”) (quoting Buhtz, *supra* note 41, at 1). <https://famguardian.org/Subjects/MoneyBanking/UCC/InvestigativeReportUCC.pdf>.

⁵⁰ Berger, *supra* note 14, at 5.

⁵¹ Crowell, *supra* note 6, at 3.

⁵² Kalinowski, *supra* note 10, at 165–66 (quoting Buhtz, *supra* note 41, at 1).

⁵³ Crowell, *supra* note 6, at 2; Kalinowski, *supra* note 10, at 179–80.

⁵⁴ Berger, *supra* note 14, at 3.

⁵⁵ Kalinowski, *supra* note 10, at 158.

⁵⁶ *Id.* at 161.

renouncing their sovereign status, and making them federal citizens.⁵⁷ Because federal citizens contract with the government to gain federal protection, they are viewed as artificial persons who are only entitled to government-created rights.⁵⁸

Sovereign citizenship, on the other hand, is rooted in “inalienable natural rights,” which are protected by state constitutions against federal intrusion.⁵⁹ Often referred to as “natural persons,” they believe that every person born in one of the fifty states was born with inalienable rights, thus classifying them as an “American sovereign.”⁶⁰ These rights include the pursuit of happiness and the right to travel, which allow individuals to travel freely between states without permission, and the inalienable right to purchase property without paying property taxes.⁶¹ Based on their constitutional right to travel, sovereign citizens believe they are not required to possess driver’s licenses, license plates, or vehicle registrations, and they argue their right to travel grants them total immunity from government interference.⁶²

As “natural persons” or “common law citizens,” sovereign citizens believe they are controlled under the Constitution and the common law; therefore, they are exempt from federal laws or court rulings that have otherwise been corrupted.⁶³ Sovereign citizens argue that states are independent entities, granting them freedom from the illegitimate laws currently in place in the United States.⁶⁴ They cite the Fourteenth Amendment’s public debt provision to further support their claims regarding the “illegitimate law.”⁶⁵ Based on the public debt provision, they argue that a commercial legal system superseded the previous constitutional system.⁶⁶ After ratification of the Fourteenth Amendment, they claim that the United States “ceased to be a constitutionally governed republic” and was instead replaced by the illegitimate commercial law.⁶⁷ Relying on many flawed premises for their ideologies, sovereign citizens have developed a range of legal tactics to support their erroneous claims regarding citizenship, jurisdiction, and the validity of the United States government.

⁵⁷ Loeser, *supra* note 1, at 1123.

⁵⁸ Kalinowski, *supra* note 10, at 159.

⁵⁹ Loeser, *supra* note 1, at 1122.

⁶⁰ Kalinowski, *supra* note 10, at 158 (quoting *The Truth*, *supra* note 38).

⁶¹ *Id.* at 158–59.

⁶² *Id.* at 167–68.

⁶³ Berger, *supra* note 14, at 4.

⁶⁴ Loeser, *supra* note 1, at 1122–23.

⁶⁵ Berger, *supra* note 14, at 4–5.

⁶⁶ *Id.*

⁶⁷ *Id.* at 4.

III. FROM FILINGS TO FIREARMS – THREATS IMPOSED BY SOVEREIGN CITIZENS

i. Paper Terrorism and Declarations of Sovereignty: Eroding the Foundations of the Rule of Law

While it may be tempting to dismiss sovereign beliefs as conspiracy theories with no basis in law or fact, this overlooks the serious threat their tactics pose to the rule of law.⁶⁸ One of the first strategies implemented by sovereign citizens is known as “paper terrorism,” which involves filing fraudulent lawsuits against public officials.⁶⁹ Some use this as a method of intimidating public officials, as it effectively ties up sales and destroys credit.⁷⁰ On the other hand, paper terrorism is often implemented out of spite when other methods prove ineffective.⁷¹

Other techniques are targeted at clerks of court and registers of deeds, including filing lengthy, inarticulate pleadings and other motions.⁷² Most sovereign citizens represent themselves *pro se* in court, crafting legal-sounding arguments based on misinterpretations of Black’s Law dictionary.⁷³ This results in chaos and disarray, and it floods the already overrun court system.⁷⁴ Additionally, sovereign citizens often file frivolous lawsuits, including “unsubstantiated ethics complaints”, attempting to destroy judges and lawyers reputations.⁷⁵ Another intended effect of such lawsuits is to burden the court system with excessive paperwork to obtain a favorable outcome, as many officials seek to avoid the nuisances of sovereign citizens.⁷⁶

Additionally, sovereign citizens may issue “declarations of sovereignty” or challenge the court’s jurisdiction.⁷⁷ Such declarations renounce the fictitious person, allowing them to claim immunity from the illegitimate commercial law of the United States.⁷⁸ Sovereign citizens also believe they can challenge a court’s jurisdiction by refusing to identify themselves in court or by pointing out that capitalization of court documents refers to the

⁶⁸ See generally Kalinowski, *supra* note 10, at 156.

⁶⁹ Loeser, *supra* note 1, at 1126.

⁷⁰ Colacci, *supra* note 1, at 156.

⁷¹ Loeser, *supra* note 1, at 1127.

⁷² *Id.* at 1126.

⁷³ Abromeit, *supra* note 2; Loeser, *supra* note 1, at 1126.

⁷⁴ Abromeit, *supra* note 2.

⁷⁵ Colacci, *supra* note 1, at 156.

⁷⁶ *Id.*

⁷⁷ Berger, *supra* note 14, at 5; Kalinowski, *supra* note 10, at 163.

⁷⁸ Berger, *supra* note 14, at 5.

artificial person, rather than to the sovereign person physically present in the courtroom.⁷⁹ Furthermore, if sovereign citizens are charged with a crime where no person was harmed, they claim the court lacks jurisdiction, because “[w]ithout an aggrieved party, the natural person cannot have committed a crime, and the case should be dismissed.”⁸⁰

Sovereign citizens may also challenge the judge’s authority by asking him to affirm his oath.⁸¹ If the judge refuses to affirm the oath, they may move to dismiss, as they view this refusal as confirmation that the court lacks jurisdiction under Article III of the United States Constitution.⁸² Overall, their tendency to disobey court rules, their improper use of lawsuits and motions, and their frivolous demands that the court prove its jurisdiction threaten the rule of law by undermining well established courtroom procedures which date back to the ratification of the Constitution.⁸³

ii. From Papers to Pistols: The Sovereign Citizen Threat Beyond the Page.

Not only do sovereign citizens threaten procedural justice in courtrooms, but they also present physical threats to law enforcement and officers of justice.⁸⁴ Law enforcement considers sovereign-citizen extremists as comprising a domestic terrorist movement, and law enforcement consistently ranks them as the “top domestic extremist threat.”⁸⁵ In July 2014, a START survey revealed that out of 175 state, local, and tribal enforcement agencies, 86% of respondents agreed that sovereign citizens were a serious terroristic threat.⁸⁶ Current perceptions of sovereign citizens among law enforcement officers confirm they are a bigger terroristic threat than Islamic extremists or militia groups, in part because there is “no leader, no central repository for ideas, and no unifying collective mission” for the movement.⁸⁷

Even though some of their infractions are as minor as traffic offenses, their behavior can quickly escalate to violence, and many are often held in contempt of court.⁸⁸ Furthermore, an examination of seventy-five

⁷⁹ Kalinowski, *supra* note 10, at 162–63.

⁸⁰ *Id.* at 163.

⁸¹ *Id.*

⁸² *Id.* See also U.S. CONST. art. III, VI.

⁸³ See generally Abromeit, *supra* note 2.

⁸⁴ See generally Loeser, *supra* note 1, at 1118, 1128–29, 1138.

⁸⁵ Berger, *supra* note 14, at 2 (citing Loeser, *supra* note 1). See also Colacci, *supra* note 1, at 158.

⁸⁶ Colacci, *supra* note 1, at 158.

⁸⁷ Kalinowski, *supra* note 10, at 155.

⁸⁸ FBI, *supra* note 14; Abromeit, *supra* note 2.

instances in which sovereign citizens attempted to harm or did harm law enforcement officers revealed that twenty-seven law enforcement officers were killed at the hands of sovereign citizens between July 1983 and July 2020.⁸⁹ In addition to these twenty-seven deaths, sixty-five law enforcement officers were wounded at the hands of sovereign citizens.⁹⁰ Because the sovereign citizen movement is comprised of hundreds of thousands of individuals promoting distrust in the federal government and advocating for violence against law enforcement, it is imperative that the federal government implements a universal solution.⁹¹

IV. BAND-AIDS ON A LEGAL BATTLEFIELD: FALSE LIEN LAWS AS WEAPONS AND THE LEGAL BATTLE AGAINST SOVEREIGN CITIZENS

A common response to the paper terrorism threat includes an effort by state and local governments to impose more severe penalties for fraudulent filings.⁹² One attempt by the North Carolina legislature included passing N.C.G.S § 14-118.6, which made it a “Class I felony to knowingly present for filing a false lien or encumbrance against the property of a public officer or employee based on that person’s performance of official duties.”⁹³ This statute has since been amended to include false claims filed against a public official’s family members.⁹⁴ Additionally, the statute implements procedures for the Register for Deeds to reject frivolous filings, and it enables public officials to sue for treble damages under unfair and deceptive trade practice laws.⁹⁵ There has also been a statewide trend toward increasing the grade of crime and punishment for filing frivolous lawsuits, as well as moving to allow clerks to exercise discretion in accepting filings.⁹⁶ At the federal level, Congress has attempted to combat the sovereign citizen threat by passing the Court Security Improvement Act of 2007.⁹⁷ Not only did this legislation create a new criminal offense for filing false liens against public officials’ property, but it also created a new crime for

⁸⁹ Sarteschi, *supra* note 2, at 5–7 (explaining further that 30% were officers killed at traffic stops, 30% during ambushes, 22% during police standoffs, 15% during routine checks or serving warrants, and 3% of officers killed in a gun battle).

⁹⁰ *Id.*

⁹¹ See generally Kalinowski, *supra* note 10, at 156.

⁹² Loeser, *supra* note 1, at 1109.

⁹³ Crowell, *supra* note 6, at 7; N.C. GEN. STAT. § 14-118.6 (2024).

⁹⁴ Crowell, *supra* note 6, at 7.

⁹⁵ *Id.*

⁹⁶ Loeser, *supra* note 1, at 1129.

⁹⁷ FBI, *supra* note 14; Court Security Improvement Act of 2007, Pub. L. No. 110-177, 121 Stat. 2534 (2008).

disclosing personal or identifying information to incite violence against those officials.⁹⁸

However, false lien laws have had minimal utility in deterring sovereign citizen practices, as their effectiveness may be limited to simply incapacitating sovereign citizens.⁹⁹ For example, the UCC does not allow for court clerks to refuse frivolous filings, so sovereign citizens may continue to file a plethora of lawsuits.¹⁰⁰ Rather than focusing on deterrence, the justice system must shift its focus toward prioritizing education and general systemic reform. By educating sovereign citizens about the legal shortcomings of their ideologies, informing lawyers and judges about the movement’s underlying beliefs, and restructuring procedural aspects of the justice system, affiliation with the sovereign citizen movement will likely decrease.

V. RECLAIMING THE RULE OF LAW: COMBATTING THE SOVEREIGN CITIZEN REIGN OF CONSTITUTIONAL CHAOS

i. Education as Prevention: Promoting Understanding.

The overarching obstacle to preventing the reign of terror imposed by sovereign citizens comes down to one simple question—how can a law deter offenders who do not believe in the validity of the government or the laws it enacts? Arguably, a push towards education and understanding the legal flaws in sovereign citizen ideologies can address the root of the problem. By promoting a better understanding of their motives, the legal system can develop more effective prevention strategies.¹⁰¹

One potential explanation for the popularity of the sovereign citizen movement and its accompanying extremist behavior is anomie theory.¹⁰² Under this theoretical framework, when individuals are in undesirable social positions, “they experience a strain that forces them to seek ways to accomplish [society’s prescribed] goals outside of normal society.”¹⁰³ This theory may explain the popularity of the sovereign citizen movement

⁹⁸ FBI, *supra* note 14; Court Security Improvement Act of 2007.

⁹⁹ Loeser, *supra* note 1, at 1109–10.

¹⁰⁰ Colacci, *supra* note 1, at 157.

¹⁰¹ See generally Abromeit, *supra* note 2.

¹⁰² *Id.*

¹⁰³ *Id.*

because membership often rises during times of economic decline.¹⁰⁴ By understanding these underlying motives, the legal community may be able to better comprehend why individuals who are strained from the “normal” goals of society identify with sovereign citizen belief systems.¹⁰⁵

To combat the effects of anomie theory, the legal system must give sovereign citizens the opportunity to be heard in court, rather than shutting them down immediately. The legal system must appoint counsel who understands the roots of their ideological adherences, despite their outrageous behaviors. In order to break the cycle of negative behavior and outcomes for sovereign citizens, it is up to the legal community to act patiently and to analyze the “tragically misinformed” sovereign citizen.¹⁰⁶ If the legal system continues to treat them as nuisances and suppress their beliefs, the negative consequences of sovereign citizen behavior will continue, potentially leading to more advanced threats.¹⁰⁷

Promoting awareness and understanding of sovereign citizen beliefs may also assist law enforcement agencies with understanding the potential severity of their illegal activity and protecting the public and law enforcement officials from their violent behavior.¹⁰⁸ The lack of mandatory training for law enforcement agencies gives rise for concern because of their regular contact with sovereign citizens.¹⁰⁹ By implementing mandatory and universal training, it may be possible to save lives and prevent future threats.¹¹⁰ Training should extend beyond law enforcement and include all legal officers, as the sovereign citizen threat affects public officials and society at large.¹¹¹

ii. Fighting Fiction with Facts: Invalidating Sovereign Citizens’ Constitutional Claims.

Lawyers must also dismantle sovereign citizens’ claimed rights at their source—as they often cite the Constitution, the UCC, the Magna Carta, the Articles of Confederation, and various other legal documents to

¹⁰⁴ See *id.* (explaining that “[d]uring the mortgage lending crisis in the late 2000s, the Sovereign Citizen movement saw significant growth. This growth was repeated more than a decade later upon the advent of massive social unrest amid the COVID-19 pandemic.”).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at 3.

¹⁰⁷ *Id.*

¹⁰⁸ FBI, *supra* note 14.

¹⁰⁹ Sarteschi, *supra* note 2, at 10.

¹¹⁰ See *id.*

¹¹¹ See *id.*

support their claims.¹¹² While their arguments may appear sound, the only true source for a citizen’s constitutional rights is the Constitution itself, and it is the Supreme Court alone that holds the authority to interpret and give those rights legal effect.¹¹³ Under the Supremacy Clause, the “Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.”¹¹⁴ Therefore, the Supremacy Clause directly refutes any sovereign citizen’s claim that their rights derive from any source other than the Constitution.¹¹⁵

Additionally, under Article III Section I, the federal judiciary is vested with the power to review constitutional and federal authority, which is “vested in one supreme Court and in such inferior Courts . . .”¹¹⁶ This power has since been extended to review state civil and criminal cases that implicate the Constitution or federal law.¹¹⁷ In *Marbury v. Madison*, the Supreme Court was granted the ultimate power of judicial review.¹¹⁸ It is the Supreme Court alone that has the power to interpret constitutional or statutory terms; therefore, the argument that state court opinions bind sovereign citizens is without merit.¹¹⁹ Not only does the power of judicial review extend to cases and controversies, but it includes admiralty claims, which directly refutes the sovereign citizen argument that federal courts are solely admiralty courts.¹²⁰

An additional basis for rejecting sovereign citizens’ citizenship claims is found in the Fourteenth Amendment, which defines citizens as “[a]ll persons born or naturalized in the United States”.¹²¹ In *United States v. Wong Kim Ark*, the Supreme Court reaffirmed that the Fourteenth Amendment is “affirmative and declaratory, intended to allay doubts and to settle controversies which had arisen and not to impose any new restrictions upon citizenship.”¹²² Despite an individual’s state citizenship status being

¹¹² See generally Kalinowski, *supra* note 10, at 171.

¹¹³ *Id.*

¹¹⁴ Kalinowski, *supra* note 10, at 172–73; U.S. CONST. art. VI, cl. 2.

¹¹⁵ See Kalinowski, *supra* note 10, at 176–77 (refuting sovereign citizens’ claims that the UCC takes precedence over federal laws because the UCC is not law; rather, it is proposed law that can be adopted in a state’s discretion. Even when a state chooses to codify the UCC, the Supremacy Clause still trumps).

¹¹⁶ U.S. CONST. art. III, § 1.

¹¹⁷ Kalinowski, *supra* note 10, at 173.

¹¹⁸ 5 U.S. 137, 177–79 (1803).

¹¹⁹ Kalinowski, *supra* note 10, at 175–76.

¹²⁰ *Id.* at 174.

¹²¹ U.S. CONST. amend. XIV, § 1.

¹²² 169 U.S. 649, 693, 702 (1898).

dependent on residency, “every citizen of a state is *ipso facto* a citizen of the United States.”¹²³ Furthermore, in *Afroyim v. Rusk*, the Court held that, “[o]nce acquired, this Fourteenth Amendment citizenship was not to be shifted, canceled, or diluted at the will of the Federal Government, the States, or any governmental unit.”¹²⁴ The Court further held that the only way Fourteenth Amendment citizenship could be lost “was by the voluntary renunciation or abandonment by the citizen himself.”¹²⁵

If sovereign citizens were correct and the Fourteenth Amendment created a class of artificial, corporate citizens, the language “born or naturalized” would be immaterial because “corporations are *formed*, not born or naturalized.”¹²⁶ While corporations may share some similar rights under the First, Fourth, and Fifth Amendments, they do not have the same rights as physical persons.¹²⁷ The *Slaughter House Cases* further reaffirm that Fourteenth Amendment rights include the right “to demand the care and protection of the federal government over his life, liberty, and property”¹²⁸ If applied to an artificial person, these rights would be irrelevant because artificial entities do not have a life to protect.¹²⁹ By educating sovereign citizens that the Fourteenth Amendment did not establish a second class of citizenship for artificial persons contracting with the federal government, the legal system can continue to reject their meritless arguments.

Constitutional jurisprudence also dismisses sovereign citizens’ jurisdictional claims because “[t]he Constitution grants Congress and the President the power to acquire, dispose of, and govern territory” within the United States.¹³⁰ Additionally, under Article I, section 8, Congress has the authority to criminalize behaviors pursuant to its enumerated powers, and it has granted federal courts the statutory authority to try cases.¹³¹

¹²³ *Id.* at 716 (quoting JOSEPH STORY, 2 COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES, 494–95 (Melville M. Bigelow ed., Little, Brown, and Company 1891) (1833)); Kalinowski, *supra* note 10, at 178.

¹²⁴ 387 U.S. 253, 262 (1967).

¹²⁵ *Id.* at 266.

¹²⁶ Kalinowski, *supra* note 10, at 178. *See also* Bankers Tr. Co. v. Tex. & Pac. Ry. Co., 241 U.S. 295, 309–10 (1916).

¹²⁷ *See* United States v. Martin Linen Supply Co., 430 U.S. 564 (1977); *see also* Bellis v. United States, 417 U.S. 85, 88–89 (1974) (explaining that corporations do not enjoy the right against self-incrimination).

¹²⁸ Kalinowski, *supra* note 10, at 180. *See also* Slaughter-House Cases, 83 U.S. 36, 73 (1872).

¹²⁹ Kalinowski, *supra* note 10, at 181.

¹³⁰ *Boumediene v. Bush*, 553 U.S. 723, 764 (2008).

¹³¹ U.S. CONST. art. I, § 8. *See also* Federal Judiciary Act of 1789, ch. 20, 1 Stat. 73 (1789).

iii. Constitutional Authority vs. Conspiracy: Rejecting the Redemption Scam.

Finally, the redemption scheme can be debunked by educating individuals about the validity of income tax and the lawful foundation of the Federal Reserve.¹³² While sovereign citizens argue that federal income tax is an unconstitutional direct tax that must be apportioned in accordance with Article I, section 9, the Sixteenth Amendment directly refutes this proposition.¹³³ Courts have consistently struck down challenges to the federal government’s income taxing power as baseless.¹³⁴ Additionally, the United States Department of Treasury has cautioned against participation in the Redemption Scheme because it has no lawful basis, and such participation may result in criminal prosecutions.¹³⁵

Contrary to sovereign citizen beliefs, the Federal Reserve is not a private corporation; rather, it is a government instrumentality whose authority derives directly from Congress.¹³⁶ Furthermore, the Secretary of Treasury has direct authority from Congress to enforce internal revenue laws and create agencies, such as the Internal Revenue Service, to carry out that enforcement.¹³⁷ Although clause one of Article I, section 10 is often cited by sovereign citizens to challenge the legitimacy of Federal Reserve Notes, Congress’ enumerated powers under clause five of Article I, section 8 give it the express power “[t]o coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.”¹³⁸ Under 31 U.S.C. § 5103, Congress mandates that “United States coins and currency (including Federal reserve notes . . .) are legal tender for all debts, public charges, taxes, and dues.”¹³⁹ Therefore, United States currency is not supported by its citizens as collateral to pay off debts, but is instead supported by the collateral assets of the Federal Reserve Bank.¹⁴⁰

¹³² Kalinowski, *supra* note 10, at 183, 185–86.

¹³³ See U.S. CONST. amend. XVI (giving Congress the explicit power to “lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.”).

¹³⁴ See *United States v. Hilgeford*, 7 F.3d 1340, 1342 (7th Cir. 1993); see also *Lonsdale v. United States*, 919 F.2d 1440, 1448 (10th Cir. 1990).

¹³⁵ Kalinowski, *supra* note 10, at 184.

¹³⁶ *Id.* at 185.

¹³⁷ *Id.* at 185–86.

¹³⁸ *Id.* See also U.S. CONST. art. I, § 10, cl. 1.

¹³⁹ 31 U.S.C. § 5103.

¹⁴⁰ Kalinowski, *supra* note 10, at 186.

- iv. Addressing Legal Misconceptions: False Flag Allegations, Erroneous Capitalization Claims, and the Legal Validity of Birth Certificates and Social Security Numbers.

Sovereign citizen arguments regarding the presence of the flag in the courtroom, the importance of capitalization, and the illegitimacy of birth certificates and social security numbers are also without merit. Their claims that the flag in the courtroom indicates admiralty jurisdiction are baseless because the flag does not constitute admiralty law or limit a court's jurisdiction.¹⁴¹ Additionally, the significance they give to capitalization, dictionaries, and special words are without merit because rule 10(a) of the Federal Rules of Civil Procedure mandates that court documents be captioned in all capital letters, and that this is "a typographical convention without legal significance."¹⁴² Finally, their contentions regarding the illegitimacy of birth certificates and social security numbers are unsubstantiated because neither constitute a government contract nor acknowledge the existence of the artificial person.¹⁴³ In *Gravatt v. United States*, the Court held that "[b]irth certificates are legal documents issued by the state in which a birth occurs, and social security numbers are a form of identification issued by the Social Security Administration . . . [and] [n]either birth certificates nor social security numbers recognize or impose contractual rights, obligations, or duties."¹⁴⁴ Under 42 U.S.C. § 405, the Commissioner of Social Security has the statutory authority to issue social security numbers and require applicants to provide evidence of age, citizenship, and true identity.¹⁴⁵ If sovereign citizens were correct and social security numbers were an acknowledgment of the artificial person, the requirement that an applicant provide evidence of identification to the Commissioner would be moot.¹⁴⁶

- v. Strengthening Legal Infrastructure: Injunctions and Procedural Justice.

In addition to promoting underlying education, mandatory training, and fighting sovereign citizen fiction with legal facts, a final solution to the sovereign citizen threat is rooted in procedural safeguards such as pre-filing injunctions.¹⁴⁷ Pre-filing injunctions, also referred to as "gatekeeper orders", function by preventing litigants from filing new lawsuits without

¹⁴¹ *Id.* at 174.

¹⁴² *Id.* at 175. *See also* Fed. R. Civ. P. 10(a).

¹⁴³ Kalinowski, *supra* note 10, at 176.

¹⁴⁴ *Id.* *See also* *Gravatt v. United States*, 100 Fed. Cl. 279, 286 (2011).

¹⁴⁵ 42 U.S.C. § 405(c)(2)(B)(ii).

¹⁴⁶ Kalinowski, *supra* note 10, at 176–77.

¹⁴⁷ *See Loeser, supra* note 1, at 1131.

prior permission from the tribunal.¹⁴⁸ Because courts have the power to issue injunctions, they also have the power to protect individuals from frivolous lawsuits, thereby preventing abuse of the legal system.¹⁴⁹ However, gatekeeper orders may prove to be ineffective because they mandate that the individual who an order is filed against has already abused the legal system.¹⁵⁰ Hypothetically, a sovereign citizen would have to file a frivolous lawsuit at least once before a judge could issue a pre-filing injunction.¹⁵¹ Therefore, general systemic reform may be the most effective solution to sovereign citizens’ abuse of the legal system.¹⁵²

By addressing the sovereign citizen problem on a broader scope, sovereign citizens may be more likely to comply with court decisions if they perceive court proceedings to be fair and just.¹⁵³ Furthermore, if people feel as though the court has treated them unfairly, they will question its legitimacy and be less likely to obey its orders.¹⁵⁴ By ensuring fair process through polite, impartial judges, sovereign citizens are more likely to believe they are being treated fairly and are more likely to believe in the legitimacy of the law.¹⁵⁵

VI. CONCLUSION

While sovereign citizens may appear to be an isolated courtroom threat, the danger they pose to law enforcement, public officials, and the rule of law should not be ignored. Rather than dismissing their anti-government arguments and baseless contentions as pure delusion, it is vital that the legal system promote education and general systemic reform to mitigate their tactics. Even though the movement appears harmless—as they generally engage in courtroom displays and frivolous filings—the severity of their belief system cannot be ignored. In a time where there is blatant distrust of the federal government and skepticism about the rule of law, it is imperative that lawyers and judges educate themselves about sovereign citizen ideologies, refute their fictional claims with legal facts, and implement procedural safeguards and fair process. These strategies not only preserve valuable time and court resources, but they have the potential to differentiate between order and chaos—or, in extreme cases, between life and death.

¹⁴⁸ *Id.* at 1131–32.

¹⁴⁹ *Id.* at 1132.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.* at 1137–38.

¹⁵³ *Id.* at 1135.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* at 1136.