

The sovereign citizen
extremists
criminology essay



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A major social movement happening in the United States today is a group of people called sovereign citizens. Sovereign citizens in the simplest terms can be described as individuals who believe they are no longer citizens of the United States. As a result, they believe they do not have to obey the laws of the United States or pay taxes as a sovereign citizen. It is not against the law to declare oneself a sovereign and being a sovereign is protected by the First Amendment of the Constitution. But, because sovereign citizens do not believe they have to obey the law, a simple traffic stop can escalate and become a deadly confrontation between law enforcement and sovereign citizens. A sovereign citizen who breaks the law to further his or her beliefs is considered a sovereign citizen extremist. Sovereign citizen extremists can become violent with few indicators to help protect law enforcement officers during times they encounter one another. Providing education to local, state, and federal law enforcement agencies will help them do their jobs in a professional manner.

Keywords: sovereign citizen, tax defier, activist, extremist, paper terrorism, lien, frontline law enforcement

Introduction

Sovereign citizens in the United States include approximately 300, 000 right wing extremists who believe they decide which laws to obey and which ones to ignore (Federal Bureau of Investigation, 2010). Neither, judges, juries, law enforcement or elected officials have authority in the sovereign citizen world. Sovereign citizens do not believe they have to pay taxes. During the past few years the sovereign movement has been growing fast, and its members are clogging up the courts with paperwork in a practice called paper

terrorism. When stopped by law enforcement many of them react with rage and frustration. In some extreme cases sovereigns will commit acts of deadly violence. Individuals who believe in sovereign citizen ideology will obtain their information from debt seminars, visiting one of the thousands of websites on the subject, or even in prison (Federal Bureau of Investigation, 2010). After they obtain the information, they act on what they have learned. Some will start by testing sovereign ideology with small offenses such as driving without a license, while others proceed directly to taking on the IRS as tax defiers or tax protesters (Federal Bureau of Investigation, 2010). Whatever method a sovereign citizen decides to follow, those methods are causing more and more problems for law enforcement

Purpose

The purpose of this individual research project was to qualitatively describe the growing problem of violent sovereign citizen extremists in the United States today. A better understanding of why and how sovereign citizens conduct themselves will help law enforcement do their duty and stay safe. Providing education to local, state, and federal law enforcement agencies, thus giving them the tools they need, will help officers do their jobs in a professional manner and stay safe at the same time.

Problem Statement

The question for law enforcement agencies is how local, state and federal law enforcement entities can help stop the violence between sovereign citizen extremists and law enforcement officers during encounters and interaction? Two main points to consider, what tools can be provided to front line police officers to use in dealing with sovereign citizens and what can law

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enforcement do to make sure violent sovereign citizens are prosecuted in a court of law? (Potok, 2010)

With the growing number of sovereign citizens in the United States and the problems that they bring with them, it has become increasingly difficult for law enforcement to make a case against them. The overwhelming amount of paper filings in the court system and their belligerent attitude towards anyone involved with the government to include law enforcement has put sovereign citizens on the radar of officials. The problem with sovereign citizens is how to recognize who they are and how to investigate them. Most all sovereign citizen actions are protected by the First Amendment of the Constitution. Usually no one knows about them until they have done something violent. Criminal charges are hard to file on a sovereign citizen prior to the violent act. This leaves law enforcement in a risky predicament. And once law enforcement runs into a sovereign citizen it usually takes the officer by surprise. Most law enforcement officers have not been taught how to handle a sovereign citizen extremist during an encounter.

Research Questions

In order to give law enforcement officers the tools they need, certain questions need to be answered. The research questions for the project are the following: 1) what is the definition of a sovereign citizen; 2) what indicators do sovereign citizens have; 3) how should law enforcement personnel prepare themselves for a sovereign citizen encounter and, 4) what should a law enforcement officer be aware of during a sovereign citizen encounter that could deescalate violence?

Rationale for the Project

In 2010, Sergeant Brandon Paudert and Officer Bill Evans from the West Memphis, Arkansas Police Department pulled over a white mini-van with a suspicious license plate from Ohio. Inside the minivan, a 16 year old juvenile named Joe Kane remained in the passenger seat, while his father, Jerry Kane, 45, spoke with the officers outside the van (MacNab, 2010). When asked for a driver's license by Office Evans, Jerry Kane provided a stack of papers according to the onboard police dash camera, which seemed to confuse the officer. The documents are a tactic used by sovereign citizens supposedly showing they no longer have to carry a valid driver's license and declare them sovereign, free from state and federal laws. At that time, Officer Evans called for backup. His supervisor, Sergeant Paudert was listening to radio traffic at the police station and knowing his other officers were on a separate call, decided to back up Officer Evans (Paudert, 2011). When Sergeant Paudert pulled up, Officer Evans showed him the stack of papers and the conversation with Jerry Kane soon became confrontational. During the confrontation Jerry Kane tried to flee from the officers, pushing Officer Evans towards the roadside ditch. Joe Kane exited the vehicle with a loaded AK-47 and shot Officer Evans. Joe Kane then turned his attention to Sergeant Paudert, who had taken cover behind a police vehicle. Sergeant Paudert was outgunned as Joe Kane pursued Paudert around the police vehicle, shooting him several times before returning to Officer Evans in the ditch, where, he fired again. The Kane's then fled in the minivan while Joe Kane continued to shoot at the downed officers as they sped away.

The Kane's were eventually found in a Wal-Mart parking lot where a gun battle ensued wounding two more law enforcement officers and killing both of the Kane's. Jerry and Joe Kane were sovereign citizen extremists who traveled around the country conducting sovereign citizen seminars on redemptions schemes and how not to pay taxes (MacNab, 2010). Their white minivan license plate came back to a church in Ohio which is another tactic used by sovereign citizens to not pay taxes on their vehicles. As far as Officer Evans and Sergeant Paudert knew they were pulling over a father and son in a church van (Paudert, 2011). Either officer had never heard of sovereign citizens and had no idea how to deal with them. If they had, they would probably be alive today (Paudert, 2011).

Other encounters have occurred where violence has broken out during routine police interactions with sovereign citizen extremists. Sovereign citizen extremists are becoming more and more of a problem for law enforcement. Most law enforcement agencies still have no idea of how to deal with them. This project will provide information about sovereign citizens and methods used by sovereign citizens to deceive law enforcement, while providing law enforcement officers indicators and ideas on how to deal with sovereign citizen encounters.

Limitations

The main limitations involved with the project was the lack of information found in peer reviewed journal articles or scholarly publications. The reason is that the use of the term sovereign citizen extremist is fairly recent.

Sovereign citizen extremists have come to the attention of law enforcement because of the recent violent attacks due the political climate in the United

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States. Especially after the May 20, 2010 incident in West Memphis, Arkansas involving Sergeant Brandon Paudert and Officer Bill Evans when they were shot and killed in the line of duty.

Another limitation included previous research prior to May 20, 2010, which grouped sovereign citizens with other Right Wing political groups such as militias and the patriot movement. This lack of distinction put limits on the amount of usable information for the project, only using research that specifically mentioned sovereign citizen.

Delimitations

On the flip side of not having enough information prior to May 20, 2010, there have been several news articles concerning sovereign citizens since that time. The television investigative reporting show 60 Minutes, did a segment on sovereign citizens and many news articles were published, providing a wide array of information.

Definitions

In order for the reader to have a better understanding of the project certain terms may need additional information or definition. For the purpose of this research project the following definitions were used: Sovereign citizen was defined as an individual who has declared themselves separate from the United States and who does not pay taxes, believing they are no longer bound by the laws of the United States. A tax defier is a term used by the Internal Revenue Service (IRS) in reference to a sovereign citizen. Tax defier has the same definition as sovereign citizen. An activist is an individual or a group that believe in a certain cause. An extremist is an activist that has

crossed a moral or criminal line to further their beliefs. Paper terrorism is a term used to describe a method used by sovereign citizens to inundate the judicial system with volumes of paperwork, thus slowing down the legal process. A lien is a claim against an individual's property by another individual to cover a debt owed. A front line law enforcement officer is a uniformed patrol officer, usually the first law enforcement officer to greet the public. An example of the difference in other law enforcement personnel and a front line officer would be a detective or investigator arriving secondary to a crime scene after a front line officer being first on scene.

Review of Literature

Several sources were used for the literature review. These were journal articles found in the Journal of Research in Crime and Delinquency and the International Journal of Police Science and Management. An article from the website Anti-defamation League (ADL), The Militia Watchdog was also used in the review. The first review was of the General Strain Theory and how it can be used to explain sovereign citizen extremist's ideology.

General Strain Theory

The General Strain Theory argues that strains or stressors increase the likelihood of negative emotions such as anger and frustration. One possible response to anger and frustration is crime (Agnew, 2001). A strain can be defined as an excessive physical or mental tension, also a force, influence, or factor causing such tension (Merriam-Webster, 2010). This is a broad and general definition. To help clarify the definition of strain for this review the following definitions were proposed: an objective strain refers to the events or conditions that are disliked by most members of a given group or

individual and subjective strains refer to events or conditions that are disliked by the people who are experiencing them (Agnew, 2001). Subjective strains are strains that an individual dislikes. Another individual when experiencing the same strain may react completely different.

General Strain Theory examines the effects of strain on crime, but since there are many types of strain and stress, it is difficult to pinpoint which strains lead to crime. The four strains that are most likely to result in a crime are: strains that are seen as unjust, strains that are seen as high in magnitude, strains that are associated with low social control, and strains that create some pressure or incentive to engage in crime. Strains that seem unjust are more likely to lead to crime, primarily because they are more likely to provoke emotions conducive to crime like anger. Strain that is high in magnitude influences the ability to cope in a non-criminal matter.

Individuals low in direct control, conventional attachments, and conventional commitments generally lack the social supports and resources that facilitate noncriminal coping. Certain types of strains associated with exposure to others who model crime, reinforce crime, and/or present beliefs favorable to crime (Agnew, 2001). The article argues that all four types of strains are equal in causing criminal behavior. The article stated that the reaction to strain is a function of both individual characteristics and the characteristics of the strain that is being experienced. Strain is most likely to lead to crime in individuals that possess characteristics conducive to negative coping and experience types of strain that are conducive to criminal activity. Basically, the impact of stressors and strain on criminal outcome is largely a function of

the individual coping skills and social support of the person experiencing the strain (Agnew, 2001).

The article was relevant for needed information pertaining to theoretical perspectives in criminology. The article provided needed background information to determine theory of crime which best fits sovereign citizen extremism ideology and the criminal aspects associated with sovereign citizen extremists. The article is valid in there statistics and there were no known biases made by the authors.

During the research several crime prevention techniques were considered to help decrease violent encounters between sovereign citizen extremists and law enforcement personnel. CompStat was one of the techniques researched. A literature review was conducted on CompStat to determine its usefulness.

CompStat

In order to solve the problem of violent encounters between law enforcement and sovereign citizen extremists there must first be a starting point. The first places to look should start with data tracking of violent encounters during vehicle traffic stops and determine the frequency and location of those encounters. A literature review was conducted on CompStat to better understand this method for the use in the research plan.

CompStat, also known as compare statistics, or commonly known as computer statistics, can be used to plot specific incidents of crime by day, time, and location, revealing unnoticed patterns in criminal activity to help solve crimes. CompStat has also been labeled a police management

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accountability tool, holding police management accountable for the crime rates in their area.

In the peer reviewed research article by Eterno and Silverman (2010), the authors use both quantitative and qualitative methods to examine CompStat's management environment. The two main concerns in the paper were to examine the extent, if any, of pressures which managers believe they were exposed to using CompStat, as well as how those pressures might have influenced any unethical crime reporting.

The article defines CompStat as featuring up-to-date computerized crime data, crime analysis and advanced crime mapping. Police managers use CompStat's crime data, analysis, and mapping as the basis for regular crime meetings, and those police managers are held accountable for specific crime strategies and solutions. Initial assessments portrayed CompStat as an effective managerial crime reduction tool, but according to the data presented in the article, CompStat assessments have offered significant reservations regarding CompStat's managerial effectiveness, the reliability of its crime statistics and the extent of its organizational reform (Eterno & Silverman, 2010).

The researchers used a self-administered, mail questionnaire design which permits anonymity of subjects. They also used interviews of retired and current police officers. The combination of the questionnaires and the interviews for the study covered both quantitative and qualitative methods to examine CompStat's managerial environment (Eterno & Silverman, 2010). The article was relevant for needed information. It was written recently in

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2010. And, according to other articles I have read by the authors, seems to be reliable. The article is valid in its statistics and there were no known biases made by the authors.

Traffic Stop Confrontation

Mark Pitcavage writes for the Anti-Defamation League internet posting called The Militia Watchdog, which is a law enforcement advisory post. One article titled, Flashpoint America: Surviving a Traffic Stop Confrontation with an Anti-Government Extremist, covers the major concerns for front line law enforcement officers when dealing with anti-government individuals such as sovereign citizens during a traffic stop.

The article starts out with a scenario of a traffic stop by a police officer. The officer notices something strange about the license plates on the car, it seems they are home made. The officer has no idea who would make their own plates so he decides to pull over the vehicle. At first the driver ignores the lights and does not pull over. The officer then turns on the siren, the car finally pulls over to the side of the road. As the officer approaches the vehicle he notices bumper stickers with phrases such as “sovereign forever” and “new world order.” As the officer reaches the driver side window, he asks for the driver to roll down the window, at first the driver ignores the officer and finally rolls down the window only a few inches. The officer asks for a driver’s license and registration, the driver ignores the request and offers a folded piece of paper with bizarre writing stating that the driver is a sovereign citizen. The scenario ends with the question, as a police officer, what do you do?

The article then explains the difference in this type of traffic stop as opposed to other stops that may have criminals involved. Most police officers are taught how to deal with the criminal mindset in a traffic stop, such as a wanted fugitive, drug runners, or even belligerent drunks. With most of these types of stops there are warning signs and the officer is trained to deal with them. In the case of the traffic stop scenario in the article, this is a new type of traffic stop where the situation can immediately lead to a confrontation. In this scenario, the sovereign citizen now believes the officer is no longer a human being but a symbol of a tyrannical and oppressive government. To make matters worse the sovereign is probably armed which increases the possibility of a violent confrontation (Pitcavage, 2011).

Pitcavage continues to state in the article that traffic stops are one of the most violent points of confrontations between right wing extremists such as sovereign citizens and law enforcement. He cites several examples of violent traffic stops between right wing extremists and police officers over the last 20 years some ending in death. He continues to point out if the officers in the examples had known some of the warning signs that they were dealing with a sovereign citizen, then they may be alive today. The warning signs include: Peculiar fake license plates; objecting to producing a current license and registration; strange bumper stickers with anti-government passages written on them; vehicle decorations to include, homemade placards with identification numbers; strange references from the driver concerning “ contracts,” “ freeman,” “ constitutionalist” or “ common law citizen.” The driver may refer to the 14th Amendment, the Constitution or the Bible during the conversation. He may read the Miranda Rights to the officer, placing the

officer under “ arrest” (Pitcavage, 2011). All of these in whole are in part are major indicators the officer is dealing with a sovereign citizen.

Identifying the individual as anti-government or sovereign citizen is the first part of staying safe. The officer then must make an assessment of the situation to determine the best course of action to take next. The officer must remain cautious at all times not putting himself at risk of violence. The officer should stay alert for the presence of a concealed weapon, and try not to heighten tension or cause alarm from the driver. The officer should try not to argue political philosophy or legal interpretations with the driver. An officer can help diffuse a situation by simply being polite and letting the person talk about their beliefs, this can use up some of the nervous energy sovereign citizens build up prior to a car stop. And finally, in some situations it is best to postpone or walk away from the situation. If an officer is involved in a situation with an angry extremist with high tensions and no backup available. It might be prudent to break off the encounter and approach it another time. No traffic violation is worth the life of an officer (Pitcavage, 2011).

The article establishes and lists warning and indicators involved with sovereign citizen extremists. It gives police officers training and education in what to look for in similar situations. The article was relevant for needed information pertaining to the research. It provided a broad overview of anti-government extremists and their beliefs. The article also covered safety points for law enforcement in dealing with sovereign citizens in a traffic stop encounter.

Methods

A qualitative, explorative study was done to examine and describe the following research questions: 1) what is the definition of a sovereign citizen; 2) what indicators do sovereign citizens have; 3) how should law enforcement personnel prepare themselves for a sovereign citizen encounter and, 4) what should a law enforcement officer be aware of during a sovereign citizen encounter that could deescalate violence?

Qualitative research methods look at non-numerical data to attempt to find a deeper understanding of the topics (Babbie, 2010). The importance of qualitative research is that it describes a situation as it exists, without involving a formal hypothesis, but focusing on explaining social processes in great detail (Mauch & Park, 2003, p. 125). Sovereign citizen extremism is considered a domestic terrorism investigation by the Federal Bureau of Investigation. During the project the analysis should show that sovereign citizen extremists fit into the General Strain Theory of criminology. The General Strain Theory argues that strains or stressors increase the likelihood of negative emotions such as anger and frustration. One possible response to anger and frustration is crime (Agnew, 2001).

The General Strain Theory is particularly true of teens and young adults. During this phase of life most individuals have poor coping skills and are heavily influenced by someone they look up too (Agnew, 2001). In the case of Jerry and Joe Kane, Joe Kane had heard the sovereign citizen rhetoric all his life. In one recorded video clip, Jerry Kane is heard saying, “ I don’t want to have to kill anybody, but if they keep messing with me that’s what is going to have to come out... I am going to have to kill and if I have to kill one

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then I am not going to be able to stop” (CBS Broadcasting, 2011). Listening to every word was Joe Kane. Joe Kane had assaulted a police officer when he was 14 years old because they were going to arrest his father again, believing it was unjust or unfair. With the stress of his father being arrested again, at 16, he decided the police were no longer going to treat his dad unfairly and killed Sergeant Paudert and Officer Evans on the side of the road. The impact Joe Kane had on his son is evident in his actions on May 20, 2010.

Sovereign citizens exhibit anger towards paying taxes, law enforcement, and the government in general. The average sovereign citizen today is 30 to 35 years old and is in economic dire straits. They have probably lost their job and are divorced. Many are paranoid and most are conspiracy theorists (MacNab, 60 minutes: Sovereign Citizens, 2011). These characteristics can lead to disillusionment in the American dream, which can cause stress and anger to build. The building frustration can lead to a feeling of hopelessness and a need to take matters into their own hands. Ultimately, declaring themselves separate from the United States and believing at that point that the laws and taxes no longer apply to them and they will be able to do as they please. The strains of dreams not fulfilled and a future seeming less and less like the one they had imagined can lead to crimes involving not paying taxes, crimes of revenge or retribution and ultimately crimes of violence especially against law enforcement or government officials.

The two main methods of analysis used in the research were historical and exploratory. These methods provided a progression of sovereign citizen extremism through time, giving a historical background of the movement

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and an investigation into a relatively unknown topic providing a better understanding of sovereign citizens. One of the main sources of information will be open source documentation from the FBI. Also included will be peer reviewed journal articles obtained through the Regis University online library system and other online scholar libraries such as Google Scholar. A main source of information will come from news articles and periodicals showing the history of sovereign citizen extremists and past information and publications used in previous instructional classes found at Regis University. Television news programs such as 60 Minutes were used for information concerning the definition of a sovereign citizen. The journal, Intelligence Report, published by the Southern Poverty Law Center provided information regarding hate groups and sovereign citizen ideology. Various web searches of not only online research material but also web sites linked to sovereign citizens were used to obtain needed information. The web searches also provided online information from sites such as the Anti-Defamation League, providing law enforcement advisory bullins. The websites provided an alternate view point of sovereign ideology from law enforcement and actual sovereign citizens.

Results

The results of the research led to a historical overview of sovereign citizen ideology, beginning in the 1960's with the Posse Comitatus to present day sovereign citizen extremists. The historical information helps to determine the overall definition of a sovereign citizen and to help lead to an explanation of how a political movement became extremists activities. A further summary of the results establish ideas on how to approach the problem of

sovereign citizen extremists and front line law enforcement encounters. The results further provide a plan that can help educate and prepare law enforcement, judges, county clerks and other government officials for sovereign citizen encounters, thus, preparing them to handle the situation in a manner that will keep them safe. And lastly, the results section will give front line law enforcement personnel indicators and a plan to discuss with their department to possibly find the best solution to a sovereign citizen extremist encounter, to where all involved will be safe and secure.

The Beginning – Posse Comitatus

The Sovereign Citizen story traces its origins to the Posse Comitatus, an anti-tax group founded in the 1960s, peaking in the 1970's and 1980's, as the agricultural economy soured. The name means “ power of the county” in Latin. The Posse looked to ancient English common law to support its convictions that there were no legitimate forms of government higher than the county, no legitimate law enforcement authorities higher than the sheriff, and no legitimate judicial authorities higher than the Justice of the Peace (Evans, 2012). Because of membership increases due to the sagging agriculture economy, the Posse was increasingly successful in peddling its theories in Middle America. In 1976, the Federal Bureau of Investigation estimated the movement had 12, 000 to 50, 000 members encompassing seventy-eight chapters in twenty-three states, as well as many more supporters not claiming membership (FBI, 1976). Bolstered by close ties to white supremacist and Christian Identity extremist groups, Posse Comitatus organized itself into a potent force and convinced countless peers that they need not pay taxes, or even listen to the government (Belonsky, 2010).

According to the Posse Comitatus, there were two types of citizens: the inferior “ 14th Amendment Citizens” and the “ Sovereign Citizens” who follow the only “ true” governments, which were county-based, and local Sheriffs wielded ultimate power (Belonsky, 2010).

The 14th amendment gave citizenship rights to freed slaves after the Civil War. The Posse believes the freed slaves, blacks, are subject to the government unlike themselves. The posse put a racist variant on sovereign citizen theory. They believe that being white is a prerequisite to being a sovereign citizen (Intelligence Report, 2010).

The Posse also derived inspiration from the Posse Comitatus Act of 1878, which was designed to create a clear division between the military and domestic police forces. The act outlaws any direct involvement by the United States military in any law enforcement operation (Clark, 2007). The Posse believed this inhibited the federal government’s ability to use the military on domestic soil to protect African-Americans. Although the organization did respect a strict construction of the Constitution, believing it to be derived from God, Posse members did not believe any amendments passed after the Bill of Rights were legitimate because Jews and other minorities had allegedly corrupted the government.

Former Posse Comitatus spokesman, Roger Elvick tried to advance the movement by adding a convoluted financial theory called the “ redemption movement.” The story of the redemption movement goes something like this: the government secretly took out a foreign loan in 1909 and later defaulted on that debt, leading to the Great Depression (Belonsky, 2010).

When President Roosevelt signed the 1933 Emergency Banking Act, taking the United States off of the gold standard and centralizing financial power in Washington, D. C., he “ mortgaged” citizens via their social security numbers, which are secret “ straw man” accounts. The government then uses these accounts, your life, to pay its debts (Belonsky, 2010). Like a true American capitalist, Elvick turned sovereign citizenship into big business and began charging people for classes on tax evasion and other financial frauds against the government (Belonsky, 2010).

1980’s

In the 1980’s, those who followed the Posse Comitatus movement believed that the Founding Fathers intended to create a “ Christian Republic” of sovereign citizens. The main issue the Posse Comitatus believed is that in a democracy, the poor could vote to create social welfare programs, but in a republic, the individual is a sovereign entity and the government has no power to enact laws that will take money made by the sovereign individual. During this time the Posse Comitatus was a loosely organized group but they encouraged their members to throw away identification cards and other government-i