

## **DEALING WITH ANTI-GOVERNMENT EXTREMISTS AND SOVEREIGN CITIZENS TIPS AND SUGGESTIONS**

The past few years have seen an increase in government and private individuals and businesses having contact with persons who may be considered anti-government extremists or “sovereign citizens.” While individual beliefs of these persons may vary, that term is often used to generally describe persons who reject or challenge existing government authority and see it as illegitimate. They see themselves as “sovereign” or not subject to federal, state or local government authority. This can often result in unusual responses to any form of government activity including all forms of taxes, vehicle registration and drivers licenses, zoning ordinances, and any civil or criminal proceedings or enforcement actions. Such persons may file documents attempting to revoke birth certificates, licenses, or citizenship and file various documents and demands for information or action within certain arbitrary deadlines. Virtually any government action can result in a response from sovereign citizens. This contact can be by the filing of documents by mail or in person or personal appearances at government offices.

This brief memo is intended to help individuals identify some potential responses and when they may wish to seek assistance of law enforcement or legal counsel.

### **POTENTIAL CRIMES:**

The vast majority of the conduct is simply annoying or borderline harassing but not illegal. Obviously people are allowed to express their opinions and beliefs, however unusual, as long as they do not engage in conduct that has been declared unlawful. Some potential crimes or offenses that may occur with sovereign citizens include criminal slander of title for filing phony liens (Wis. Stat. § 943.60), simulating legal process (Wis. Stat. § 946.68), falsely assuming to act as a public official or employee (Wis. Stat. § 946.69), extortion (Wis. Stat. § 943.30), and harassment (Wis. Stat. § 947.013), battery or threats against public officials (Wis. Stat. 941.203), to name a few.

### **ISSUES/CONCERNS REGARDING SOVEREIGN DOCUMENTS:**

- Sovereign citizen documents are often long and difficult to read or decipher. They often use unusual legal terms and Latin phrases, cite the Uniform Commercial Code (UCC), make references to “common law” and contain unusual captions or numbering. If you are unsure consult with others including legal counsel.
- Ensure that your staff or other employees are aware of these individuals, their tactics and commonly used documents, and how to respond or who to consult. Inform other people, such as supervisors, law enforcement, legal counsel and other potentially affected or involved people or agencies when such activity occurs.
- Is the document something that the office is **required by law to accept for filing**? This often depends upon the duties of a specific office and the document. For example, a clerk of court may have to determine whether a filing relates to a pending case or is an attempt at a separate filing. A register of deeds may have to determine if the filing relates to real property and is

authorized by law to be filed. **If unsure whether a document should be filed, consult with legal counsel.**

- Can any portion of the document be construed as a **public records request**? If yes, or unsure, consult with legal counsel.

### **ISSUES/CONCERNS REGARDING PERSONAL CONTACT:**

- While most individuals will not pose an immediate physical risk or other threat, the potential always exists and sovereign citizens may become disruptive or confrontational when attempting to file documents. On occasion they may appear with a group of people in an attempt to intimidate. Remember, these are individuals who purport to believe that you are the representative of an illegal and illegitimate government.
- Many times the underlying matter that has prompted the contact (divorce, civil or criminal case, property foreclosure, debt collection, traffic ticket, zoning issues, etc.), may create severe anger and other emotions. Under the right (or wrong) circumstances, this can create a potentially dangerous situation. Therefore, you should **act to defuse the situation** as best as possible.
  - Do not argue or debate the validity of the documents, requests, or their beliefs. You will not change their minds and it will likely only aggravate the situation.
  - Be calm, professional and polite but firm. Be willing to listen, within reason.
  - Patience is a virtue and is very important in defusing any situation. Law enforcement should be called if there is any concern for personal safety.
  - If you refer the person(s) to another office or agency please alert that office or agency so they can be prepared.
  - When necessary, implement any safety and security practices that exist. Call law enforcement or security if you feel threatened or unsafe.
  - There are many resources online for dealing with difficult people. You may wish to review these for everyday use.
- If you question whether a document should be accepted for filing you can advise the person that the documents need to be reviewed by legal counsel before filing. Be honest: simply state that you are not familiar with the documents or whether you can accept them but will consult with legal counsel. If proof of filing is demanded you can consider using a stamp or making a notation that simply says “received” and advising the person they will be informed if filed. Legal counsel can then assist in creating a response or actually send a response where filings are rejected.

### **ISSUES REGARDING BEHAVIOR IN COURTROOMS:**

- Due to their beliefs that existing government officials are illegitimate, it is advisable to ensure that appropriate security is available for any court hearings or other public proceedings involving sovereign citizens. Law enforcement may be able to provide background information and threat assessment.

- Extremists can be very disruptive and time consuming to deal with. While questions and colloquys are necessary, lengthy discussions are usually not productive. These individuals like to make prepared speeches and are often repetitive. They have prepared for the appearance and have likely practiced and memorized their statements.
- Direct the person's attention to the purpose of the particular hearing and what is, and is not, relevant for that hearing. For example, is it simply an initial appearance where general jurisdictional arguments are irrelevant. The person will have an opportunity to raise other issues at other appropriate times.
- Forewarned is forearmed. If you are aware in advance that a party will be difficult, prepare in advance how you will respond. Set forth the rules for the hearing on the record.
- Making unfounded allegations against a judge is not an automatic basis for recusal.
- The fact that a person may have unusual beliefs does not make them incompetent to represent themselves. However, they still have to be able to waive their right to counsel.
- While patience is important, at some point contempt action may be required.
- Orders to limit document filings may be necessary.
- Every motion, demand, or claim does not require a hearing. If a matter is raised that, on its face, is without merit, it can be disposed of without a hearing. "An appellate court is not a performing bear required to dance to every tune played on appeal. State v. Waste Management of Wisconsin, Inc., 81 Wis. 2d 555, 564, 261 N.W.2d 147, 151 (1978). No trial or appellate court need respond to legal gibberish." *State v Dempsey*, 136 Wis.2d 557, 402 N.W.2d 390 (Table) 1987 WL 267319 (unpublished)."
- Be alert to defendant's making public record demands, directly or buried in a document, including for copies of an oath of office. Make sure your oath is up to date.
- Be aware if your courtroom contains decorative flags containing fringe. The argument is that such a flag denotes an admiralty court or court of war in which individual rights are not honored. This claim, not surprisingly, has been rejected by every court that has addressed it. See *Schneider v Schlaefer*, 975 F. Supp. 1160 (E.D. WI 1997).
- If a judge is sued, inform the Director of State Courts and the Wisconsin Department of Justice immediately. Other persons should consult their appropriate legal counsel.

**MATTERS THAT WARRANT IMMEDIATE ATTENTION BY LAW ENFORCEMENT  
AND/OR LEGAL COUNSEL:**

- If you receive a **threat of physical harm contact law enforcement immediately.**
- If persons become **disruptive or threatening in your office** you should immediately contact law enforcement.
- If you receive **documents that reference threats, liens, judgments, etc.**, as described above, you should advise your legal counsel and law enforcement as appropriate.
- If you receive documents referencing Uniform Commercial Code (**UCC**) **financing statements or liens or any threat to impose or file such a document** you should consult your legal counsel.
- If you are concerned about the **possibility of a lien being filed** you may contact the Register of Deeds and alert them to the possibility of a lien filing and check online for any UCC filings at <https://www.wdfr.org/ucc/search/>.
- **If any lien is filed against you there are ways to have such liens removed.** Consult with legal counsel and ensure the matter is referred to the District Attorney for criminal slander of title.
- If you receive a bill or invoice or **demand for the payment of money** consult with your legal counsel. This may be a precursor to illegal liens or other illegal actions.
- If you receive a document that purports or appears to be a **civil or criminal pleading** (summons/warrant, complaint, subpoena, order, etc). Consult your attorney and contact law enforcement.
- **If you receive a tax form such as a 1099 form** or other document indicating you owe money or have received money from the sovereign citizen or other person, contact legal counsel and law enforcement. You should also, with the assistance of legal counsel, reach out to the IRS. .
- If you receive a document that claims that the person's **name is copyrighted or trademarked or that you have violated such a trademark or copyright** contact your legal counsel. This may be a precursor to the filing of a lien.
- If you are experiencing ongoing issues with sovereign citizens you should discuss your concerns and **develop safety plans** with your staff and the appropriate law enforcement agency.
- Depending upon the nature of any ongoing conduct, consideration can also be given to seeking a **harassment injunction** after discussion with legal counsel.
- **Filing of phony liens or judgments, issuance of simulated legal documents and assuming to act in an official capacity can result in criminal charges.** Other criminal offenses may also apply.
- **Letters demanding responses within a certain time under threat of default or legal action as generally meaningless. However, such requests might constitute a public records request.** Consult with legal counsel.
- **Warning letters** regarding threats to file liens, judgments, etc., can be useful to deter violations of the law as well as evidence in a potential criminal prosecution.
- **WHEN IN DOUBT, REACH OUT. Safety and security is a team effort.**