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RESPONDING TO AND MANAGING EXTREMISTS AND SOVEREIGN CITIZENS IN THE COURT SETTING

I. BACKGROUND

A. A brief history

The term "sovereign citizen movement" and "common law movement," as well as "freemen" and "constitutionalist," are terms used to describe a movement with a philosophy derived from an extremist group called the Posse Comitatus which posits that there are two types of citizens: "Fourteenth Amendment citizens," who are subject to the laws and taxes of the federal and state governments; and "sovereign citizens," who are subject only to the "common law."

B. Beliefs

Sovereign citizens claim that they have absolute mastery over all their property (including freedom from laws, taxes, regulations, ordinances or zoning restrictions), that they essentially do not have to pay taxes, that they are not citizens of the United States but are "non-resident aliens" with respect to that "illegal corporation"; that the only court which has jurisdiction to try them for any matter is a "common law court"; that they can never be arrested or tried for a crime or matter in which there is no complaining victim; as well as various other notions.

C. Redemption

Briefly stated, this is a process by which persons attempt to "redeem" their rights by filing various documents with governmental agencies renouncing any "contracts" with government. The process may also involve the issuance of phony financial instruments or "sight drafts" which may involve violations of federal law. The following is an excerpt from a 1999 article.

The Redemption scheme, at its heart, consists of the bizarre notion that a bankrupt United States converted the physical bodies of its citizens into assets against which it could sell bonds, and that knowledgeable people can "redeem" these assets and, through manipulating them and various imagined accounts,

use them to their advantage. Much of the rhetoric is, as is common with "sovereign citizen"/"common law" theories, nearly incomprehensible and often laced with Biblical references used as points of law. Moreover, also common with such theories, the language is often deliberately obtuse, so that the explanation is difficult to follow.

The real attraction of the Redemption scheme, despite its outlandish propositions, is that it carefully ties together a number of popular patriot myths and misconceptions into one large structure. Many of the people who attend such seminars already come "knowing" that their name spelled with all capital letters is somehow different from the same name spelled in upper and lower case, and "knowing" that the government went bankrupt when it went off the gold standard, even if they don't understand exactly how. The Redemption scheme not only reiterates these myths, but cleverly links many of them together into one explanation. As a result, it is very compelling to many of the people who come across it.

The heart of the Redemption scheme is one of the oldest and most dearly held of all patriot myths: the Federal Reserve conspiracy. In 1909, according to this myth, the United States could no longer pay its debts and entered into negotiations with international bankers, who gave the U.S. a 20-year moratorium on paying its debt in return for the establishment of a Federal Reserve Bank to be owned by international bankers. Two decades later, suggests the myth, the United States defaulted on this debt and went into bankruptcy, which is what really started the Depression. Four years later, in 1933, Franklin Delano Roosevelt, by creating a "national emergency" and taking the country off the gold standard, ended legitimate constitutional rule. From that point on, the government operated largely through deception (as to its unconstitutionality), deliberately mixing public, private, and martial laws, rules and practices. Redemption theories in particular reference House Joint Resolution 192 (HJR 192), passed in 1933, which they interpret as a declaration of bankruptcy.

Many patriot theories start similarly. The Redemption scheme takes a dramatic departure in arguing that because there was no longer any legal money (i.e., gold and silver) after 1933, the U.S. government had to find some other way to discharge its debt. It did this by seizing the energy of the country, in the sense of energy produced by individuals. In 1936, suggests Redemption theory, with the advent of Social Security, the U.S. government began to take birth certificates and place them with the Department of Commerce as "registered securities." These certificates represented all of the work and labor of each citizen, as well as everything each citizen owned or would ever own. According to one theorist, a pledge was made for each certificate in the amount of $630,000 (another pegs it at $1,000,000). Thus everybody and everything in the United States is simply collateral for the bonds issued by the U.S. government.

When you were born, the state became the recipient of your future energy output, as a "title security document," which it converted into a bond sold on the open market to finance the government. The holder of that bond is the secured party to receive your future energy output. Does the bondholder own you? No, not exactly, but he or she does own essentially everything you do. Each person, in fact, has a mirror entity which represents that output. This is called, we are told, the "nom de guerre" or, more commonly, the "straw man." In essence, it is an appropriation of a somewhat older patriot myth that there is a significant meaning behind the various ways it is possible to spell one's name. If a patriot gets a summons addressed to JOHN DOE, he may refuse that summons because his name is not spelled with capital letters. The issue is intricate, but what is important here is that Redemption theorists appropriated this notion and enfolded it neatly into their explanation of government. Of course, JOHN DOE is different from John Doe. JOHN DOE is not you, it is the mirror entity set up to represent your energy output. Every man, woman and child has a straw man. When you sign your name to something, you are putting property into the hands of the United States and its bond owners, not into your own hands. In fact, your hands are not really your own; they are the straw man's.

Redemption theory gives Redeemers a way to use this alleged situation to their advantage. The thing to do, they say, is to retake control of your straw man. Once you control the straw man, then you control the rights and titles of the property that the straw man acquires, and a whole lot more. Redemption theorists argue that the government has title to your straw man by presumption only, but that if you rebut its presumption, you can gain title to it.

How do you take back your straw man? Well, reply Redemption theorists, one consequence of the events of 1933 is that there is now a private side and a public side to the government (the government is often called the "democracy corporation" in these writings). Currently, your birth certificate is in the public side of the government. But you want to get it over to the private side of the government, because this side is "the highest priority of recognition by the military State." So the public side would no longer have priority. The way to do this is through UCC-1 filings of one's Birth Certificate with the Secretary of State of his or her state. This allows you to "redeem" yourself from the public side of the government, after which "the living soul has the right of property ownership in himself through his straw man who now belongs to the living soul."

See: "Old Wine, New Bottles: Paper Terrorism, Paper Scams and Paper 'Redemption'" Mark Pitcavage, November 8, 1999 (No longer available online).

See:

https://www.splcenter.org/fighting-hate/intelligence-report/2002/new-multi-million-dollar-scam-takes-antigovernment-circles

https://www.adl.org/resources/backgrounders/sovereign-citizen-movement

II. COMMONLY FILED DOCUMENTS

A. UCC and other liens

There have been several instances in Wisconsin of persons filing UCC liens against public officials and others (**Appendix A and B**). The most difficult to prevent are UCC financing statement which give a security interest in another's property. This is because of the volume of legitimate UCC filings that are made and the lack of any authority to reject suspicious filings that are otherwise proper in form. The Department of Financial Institutions has a web site that can be checked for UCC liens. **http://www.wdfi.org/ucc/search/.**

"Common Law" liens may take many forms. However, all purport to impose a lien on personal or real property. Such liens are primarily filed with the county register of deeds. An opinion of the Wisconsin Attorney General relating to the filing of common law liens or "writs of attachment" has concluded that registers of deeds are not required to file or record such documents. 69 OAG 58 (1980) (**Appendix H**).

B. Simulated legal documents

Many common law or anti-government extremists routinely send out pages and pages of documents and demands to public officials. Many may directly relate to pending civil or criminal actions. In such cases it is unlikely that this conduct would violate Wisconsin law by simulating legal process.

However, there have been instances of persons going beyond such conduct. For example, the filing of "criminal complaints," complete with caption, fictitious case number, statutory citations and factual basis, naming law enforcement, judges and prosecutors as defendants. It is such documents that constitute simulating legal process.

Appendix C and F.

C. Demand for social security numbers/filing of IRS forms

Some persons have made requests of public officials, and even jurors, to provide their social security number in response to some official action. After being refused some of these persons have then filed a phony form 8300 with the IRS indicating that the official was paid a certain amount of money. This in turn, as would be expected, may result in communication from the IRS to the official to explain the failure to report such payments as income.

There are no clear state statutes that apply to this conduct. However, charges may exist under federal law. Recipients of such demands should contact an IRS criminal investigator.

D. Renouncing citizenship

This is generally a meaningless waste of paper. It is also unlikely, standing alone, to constitute any criminal offense. It is certainly done in anticipation of being able to assert a claim of lack of jurisdiction if, or probably when, the person is charged criminally or sued civilly. It is also fairly certain that people fling such documents have not given much thought to the real implications of successfully renouncing citizenship regarding the loss of various important rights of citizenship.

An excerpt describing the law in this area is as follows: *Renunciation or revocation of US citizenship is regulated by 8 U.S.C. § 1481 et seq. and is applicable only in a limited range of situations, such as expatriation and allegiance to another country and almost always combined with a voluntary and formal renunciation of US citizenship made to a US diplomatic office abroad, in fact 8 U.S.C. § 1483 makes clear that this is virtually impossible for someone who is still inside the US (among the very few exceptions, instances of having obtained US naturalization by fraud or subsequently committing treason or sabotage).* Bernard Sussman, *"Idiot Legal Arguments: A Casebook for Dealing with Extremist Legal Arguments."* https://judicialmisconduct.us/drupal/sites/default/files/2018-02/Sussman=IdiotLegalArguments.pdf

However, a federal district court has allowed an incarcerated Wisconsin inmate to proceed with renouncing citizenship on the basis that the statute allows such renunciation during a time of war and that such definition was met. *Kaufman v Holder*, http://legaltimes.typepad.com/files/roberts_opinion.pdf.

D. Copyright/trademark claims

In a recent development, persons have sent out notices that their name has been copyrighted or trademarked pursuant to the common law and that any unauthorized use will result in substantial financial damages as well as the filing of a UCC lien **(Appendix B)**. No one may copyright his or her name regarding its normal and ordinary use and copyright law has been preempted by federal law. While there is a common law basis for a trademark claim, such a claim would not apply to the ordinary non-business use of a person's name.

The filing of this demand in and of itself is not a violation of any criminal law. However, the person may commit a crime if they subsequently simulate legal process or file a lien. Responses to such conduct have included criminal prosecutions and civil actions for an injunction.

E. Non-Statutory Abatement

A "Non-statutory abatement" purports to be a response to a pending civil or criminal action, a traffic citation, a letter or other official action, and demands a reply within a specified period of time (*e.g.,* 20-30 days). The demand often takes

the form of requesting admissions to various legal and factual assertions. The document lists the public officer or employee, and possibly others such as judges and prosecutors, as "defendants" and even "enemy alien agents." The document demands that the criminal complaint, traffic citation, etc., be "abated" or simply canceled or withdrawn. The documents usually state that failure to respond will result in a default judgment and subject the "defendants" to "civil and/or criminal liabilities in pursuance of international law and the law of nations." **See Appendix B.**

The person mailing out the documents often follow their name by the Latin phrases "sui juris" or "suae potestate esse." The person may just list their first and middle name followed by the same Latin phrases. The documents are signed and may contain the person's thumb or finger print. They demand that any response be addressed in the fashion they require.

The caption of these documents usually refers to a "superior court" or "supreme court." The caption also refers to a case number or "Sheriff's case No." which is simply the registered or certified mail number that the person uses to mail the document. Sometimes the case number refers to the existing circuit court case number. On a few occasions, a common law number will be used such as "c.l.c. xxx 95-00001." This would stand for: common law court, the person's initials and a "docket" number.

When no response is received, a second document, entitled "Part Two," may be sent out requesting that a "clerk of court" enter a default judgment. It may or may not demand monetary damages and may also be accompanied by some claim that the parties involved are subject to a prison sentence. Both documents make reference to various legal sources including the UCC, pre-1848 Wisconsin law, the Magna Carta, state and federal constitutions, the Bible and various obscure books on legal history and are liberally sprinkled with obscure Latin legal phrases. The person may also publish a "notice of default" in a local paper or post such notice in a public place.

These documents have generally been held to meaningless and at have been found not to be required to be filed by registers of deeds or other recording offices. Wash. Atty-Gen 1996 Opinion nr.12 (7/31/96) (not to be accepted for filing by county recorder or registrars); *United States v. Engles,* (ND Iowa unpub 9/6/96) 78 AFTR2d 6550, 97 USTC para 50215 (county clerk ordered to remove such document from files or bulletin board).

F. Administrative judgment

Some persons have filed documents containing a caption referencing what is described as a "private" administrative proceeding. This may be followed up with an "Administrative Judgment." The "judgment" may contain a demand for payment or an assertion that money is owed or just declaring that a "default" has occurred.

G. "Common Law" court and "grand jury" documents

Based on various public sources, there have been "common law courts" operating in a number of states. Reference to such courts continue to exist in regards to legal filings by common law adherents. This is most often reflected in the caption of documents which may refer to "our one supreme court" or similar terms suggestive of a judicial proceeding. (**Appendix C**).

The basic theory underlying these courts is that each state is a separate sovereign and that most, if not all, governmental power resides at the county level. Essentially, common law court advocates argue for the creation of their own governmental and court system at the county level. It has been suggested that a notary, clerk, justices of the peace and constables be appointed. Liens have been suggested as a means to "enforce" their decisions.

In the 1970s and early 1980s, Wisconsin experienced the creation of "townships," "courts," and "public officials" by members of the Posse Comitatus. This conduct generated the enactment or strengthening and enforcement of various criminal and civil statutes, which will be discussed below, and ultimately successful criminal prosecutions under these statutes.

In early to mid-1995, common law courts began to reemerge in Wisconsin. A group of persons published their "court rules" in various newspapers and filed them with various counties. While persons purporting to act as a common law court are now rare, many common law documents may contain captions suggestive of a common law or other fictional court.

One confusing question is that, while at times there is a reference to one such court, most often the term "one supreme court" is used in reference to an individual county. A common belief of common law court advocates is that the primary source of power rests in the counties and thus the "supreme court" is a "common law" circuit or county court.

Persons have identified themselves as "judges", "justices" or "jurors" and have purported to issue "court orders" on documents filed in a number of counties in Wisconsin.

The focus of the offense (falsely assuming to act as a public official) is on conduct and it does not matter whether the purported public office is non-existent. However, merely claiming to be a public official is not a violation of the law if not accompanied by some conduct.

In common law courts, persons are purporting to act as judges or justices. The mere declaration that a common law court has been created or that these persons are "judges" does not constitute a violation of the statute. However,

when such "judges" begin to perform acts or functions of judges, they have violated the statute.

The only persons authorized to perform judicial functions are duly-elected judges. Persons acting as common law "judges" or "justices" are pretenders of such public officials. To the extent that these "judges" issue orders, decrees and writs and decisions purporting to decide criminal or civil legal issues, which are publicly filed, they are acting in an official capacity and performing official functions of circuit court judges.

It is also important to note that some participants in common law courts use or may use different terms to describe themselves. For example, "jurat" or a member of "citizen's grand jury." I have no doubt that some of these people may attempt to use this language to attempt to claim that they are not purporting to be a public official. However, that claim should be unsuccessful and unpersuasive. The captions of the documents usually purport to be from a "court" and purport to issue orders. Thus, the real issue is whether they are acting in an official capacity or performing official functions, such as issuing "court" orders, and not the name they choose to give themselves.

H. Land Patents

A land patent is "[a]n instrument by which the government conveys a grant of public land to a private person." *Black's Law Dictionary* (9th ed. 2009). A patent, in general, is the instrument that the federal government uses to convey title to portions of the public domain to private individuals. *United States v. Shumway*, 199 F.3d 1093 (9th Cir. 1999). A land patent functions much the same way, conveying fee simple ownership from the government to the patentee in previously public land. *In re Johnson*, 61 B.R. 858 (Bankr. D. S.D. 1986); *Murphy v. Burch*, 46 Cal. 4th 157, 92 Cal. Rptr. 3d 381, 205 P.3d 289 (2009). A title search to most private property would reveal root title stemming from a land patent. *See, Barbizon of Utah, Inc. v. General Oil Co.*, 471 P.2d 148 (Utah 1970).

State v. Glick, 782 F.2d 670 (7th Cir 1986).

People saddled with mortgages may treasure the idea of having clean title to their homes. The usual way to obtain clean title is to pay one's debts. Some have decided that it is cheaper to write a "land patent" purporting to convey unassailable title, and to file that "patent" in the recording system. For example, Samuel Misenko, one of the appellants, drafted a "declaration of land patent" purporting to clear the title to an acre of land of all encumbrances. He recorded that "patent" with the appropriate officials of Manitowoc, Wisconsin. He attached to his "patent" a genuine patent, to a quarter section of land, signed by President Fillmore in 1851.

The theory of Misenko's new "patent" is that because the original patent from the United States conveyed a clear title, no state may allow subsequent

encumbrances on that title. The patent of 1851 grants title to "Christian Bond and to his heirs and assigns forever." Misenko apparently thinks that this standard conveyancers' language for creating a fee simple "forever" bars all other interests in the land. We have held to the contrary that federal patents do not prevent the creation of later interests and have nothing to do with claims subsequently arising under state law. See Hilgeford v. Peoples Bank, 776 F.2d 176 (7th Cir.1985).

Also see: Idiot Legal Arguments: A Casebook for Dealing with Extremist Legal Arguments, Sussman.

*Self-awarded "**land patent**" does not immunize from zoning, mortgage, or tax laws and does not oust state courts of jurisdiction: Cragin v. Comerica Mortgage Co. (6th Cir unpub 10/24/95) 69 F.3d 537(t); Nixon v. Phillipoff (ND IL 1985) 615 F. Supp. 890 aff'd 787 F2d 596(t); Hilgeford v. Peoples Bank (ND Ind 1985) 607 F. Supp. 536 aff'd (7th Cir 1985) 776 F.2d 176 cert. den. 475 U.S. 1123 (claim based on self-drafted land patent is so frivolous that a fine is justified); ditto Federal Land Bank of Spokane v. Redwine (1988) 51 Wash. App 766, 755 P.2d 822; ditto Nixon v. Individual Head of St Joseph Mortgage Co. (ND Ind. 1985) 612 F. Supp. 253 aff'd 787 F2d 595(t) ("will draw immediate and severe sanctions" . . . "The identical language of the land patent in this case and in the Hilgeford case suggest to this court that some party is responsible for the broad dissemination of the obviously false and frivolous legal concepts which have led to this suit"); (self-awarded land patent can be grounds for lawsuit or prosecution for slander of title brought by legitimate owner against persons who fabricated the land patent) State of Wisconsin v. Glick (7th Cir 1986) 782 F.2d 670 ("The usual way to obtain clean title is to pay one's debts. Some have decided that it is cheaper to write a land patent .. and to file that in the recording system. If self-drafted land patents are frivolous gestures, then the removal [to federal court] of the state's prosecutions is frivolity on stilts. ... No federal statute authorizes the filing of bogus land patents that confound recording systems."); see also Annotation: Recording of instrument purporting to affect title as slander of title, 39 A.L.R.2d 840 (1953 and suppl.); (self-awarded land patents can be prosecuted as criminal slander of title) State v. Leist (1987) 141 Wis. 2d 34, 414 NW.2d 45 review den. 142 Wis. 2d 950, 417 NW.2d 896; ditto State v. Glick (7th Cir 1986) 782 F.2d 670; (self-awarded land patents or similarly self-awarded title documents "ingenious but of no legal meaning or effect") Leibfried Construction Inc. v. Peters (Minn. App 1985) 373 NW.2d 651; (self-awarded land patents unavailing even when accompanied by a genuine 19th century federal land patent to the first owner) Leach v. Building & Safety Eng'g Div., City of Pontiac (ED Mich 1998) 993 F. Supp. 606 ("It is, quite simply, an attempt to improve title by saying it is better. The court cannot conceive of a potentially more disruptive force in the world of property law than the ability of a person to get 'superior' title to land by merely filling out a document granting himself a 'land patent' and then filing it with the recorder of deeds. Such self-serving, gratuitous activity does not, cannot, and will not be sufficient by itself to create good title."); ditto State of Wisconsin v. Glick (7th Cir 1986) 782 F.2d 670; Blair v. Emmert (Ind. App 1986) 495 NE.2d 769 ("The mere filing of a document*

in a county recorder's office does not create property rights in those persons named in the document. . . . Thus, Blair's contention that his personal fiat of filing a document entitled 'land patent' gave him superior title is wholly without merit."); Charles F. Curry Co. v. Goodman (Okl. App 1987) 737 P.2d 963; Pathway Financial v. Beach (1987) 162 IL.App.3d 1036, 516 NE.2d 409 (specifically land patent does not immunize from mortgage foreclosure); (even a bona fide federal land patent does not make the property immune to foreclosure, a land patent works as a deed and after that the owner may mortgage his property - and lose it by foreclosure - as with any other real estate) Federal Land Bank of St. Paul v. Gefroh (No.Dak 1986) 390 NW.2d 46; ditto Britt v. Federal Land Bank of St. Louis (1987) 153 IL App.3d 605, 505 NE.2d 287 app.den 116 IL.2d 548, 515 NE.2d 102; (land patent does not oust state court of jurisdiction) Stafford v. Goff (D. Colo 1985) 609 F. Supp. 820; State of Wisconsin v. Glick (7th Cir 1986) 782 F.2d 670; (self-awarded land patents not to be filed by registrars) Wash.Atty-Gen 1996 Opinion nr. 12 (7/31/96); similarly self-awarded homestead declaration does not overcome a judgment of foreclosure for failure to pay mortgage. Federal Land Bank of Spokane v. Parsons (1990) 118 Ida 324, 796 P.2d 533; ditto Britt v. Federal Land Bank of St. Louis (1987) 153 IL App.3d 605, 505 NE.2d 387 app. den. 116 IL.2d 548, 515 NE.2d 102.

The Wisconsin AG has opined that self-created land patents or land patent "updates" do not affect an interest in land and are not required to be recorded. OAG 4-12. Other Attorneys General have reached similar conclusions. *See*: Florida AGO 2011-09, 2011 WL 2429106 (2011); Wash. AGO 1996 No. 12, 1996 WL 463131; Ohio Op. Atty. Gen 2-25, 1986 Ohio Op. Atty. Gen. No. 86-006, 1986 WL 237829); Nebraska Attorney General Opinion 102, June 11, 1985, 1985 WL 168589); 1984 S.D. Op. Atty. Gen. 175, 1984 WL 248733.

See Appendix G.

I. Mortgage fraud/squatting

J. Phony Financial instruments

Money orders, checks, promissory notes, etc.

K. How to identify extremist documents

You will know it when you see it. Unusual use of punctuation, not using a zip code, putting brackets around a zip code or using the term "postal code" or "postal zone," using terms such as "sui juris" or similar phrases, referring to self as a "sovereign," references to the Uniform Commercial Code (UCC), and writing across documents with such terms as "accepted for value" or "Refused for Cause without dishonor." **Appendix B and D.**

Also see: *The Sovereign Citizen Movement Common Documentary Identifiers & Examples.*

https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/Sovereign-Citizen-Documentary-Identifiers.pdf

L. Competency

"The only reason adduced, in the district court or this one, for thinking James incompetent to stand trial is the unusual nature of his beliefs. His behavior (both in the marijuana trade and in court) is that of a person able to understand his surroundings. Many litigants articulate beliefs that have no legal support—think of tax protesters who insist that wages are not income, that taxes are voluntary, or that only foreigners must pay taxes; or think of homeowners who contend that because their property can be traced to a land grant signed by President Fillmore their mortgages can't be foreclosed. Sometimes these beliefs are sincerely held, sometimes they are advanced only to annoy the other side, but in neither event do they imply mental instability or concrete intellect (see Young v. Walls, 311 F.3d 846 (7th Cir. 2002)) so deficient that trial is impossible. Airline pilots, see Cheek v. United States, 498 U.S. 192 (1991), dentists, see United States v. Dunkel, 927 F.2d 955 (7th Cir. 1991), and other persons of unquestioned competence have espoused ludicrous legal positions. No one suggested that Captain Cheek or Dr. Dunkel required a mental exam; if their weird legal views did not imply incompetence to be tried, why should James's? It is not as if James inhabited a private mental world. His beliefs are held by other adherents to the Moorish Science Temple.

. . .

One person with a fantastic view may be suspected of delusions; two people with the identical view are just oddballs." (emphasis added).

United States v. James, 328 F. 3rd 953, 955-56 (2003).

III. APPLICABLE CRIMINAL STATUTES

A. Wis. Stat. § 946.68 Simulating legal process

Sending or delivering any document which simulates legal process defined as including a subpoena, summons, complaint, warrant, injunction, writ, notice, pleading, order or other document that directs a person to perform or refrain from performing a specified act and compliance with which is enforceable by a court or governmental agency.

B. Wis. Stat. § 943.60 Criminal slander of title

Submitting for filing or recording any lien, claim of lien, lis pendens, writ of attachment, financing statement or any other instrument relating to a security interest in or title to real or personal property, that the person knows or should have known that the contents or any part of the contents of the instrument are false, a sham or frivolous.

Applies to even an *attempt* to file such a document. *State v. Minnischeske*, 118 Wis. 2d 357, 347 N.W.2d 610 (Ct. App. 1984).

This section does not apply to a register of deeds or other government employee who acts in the course of his or her official duties and files, enters or records any instrument relating to title on behalf of another person. Wis. Stat. § 943.60(3).

An existing attorney general opinion concludes that registers of deeds are not required to file or record common law liens or "writs of attachment." 69 OAG 58 (1980). Similar reasoning can apply to filings with clerks of court. Wis. Stat. §§ 59.39, 59.395, and 753.30 govern the powers and duties of clerks of courts. Wis. Stat. § 59.39(1) provides that the clerk of circuit court shall "[f]ile and keep all papers properly deposited with him or her." It can be argued that documents which do not comply with the relevant statutory requirements regarding form are not properly deposited with the clerk.

Cases.

State v. Minnischeske, 118 Wis. 2d 357, 347 N.W.2d 610 (Ct. App. 1984) (Defendant attempted to file a lis pendens against all real property in a township in conjunction with a lawsuit challenging the establishment of the township).

State v. Leist, 141 Wis. 2d 34, 414 N.W.2d 45 (Ct. App. 1987) (Defendant filed "Declaration of Land Patent" with register of deeds).

State v. Pultz, Unpublished Court of Appeals, Case No. 98-2811-CR, decided June 15, 2000) (Phony financing statement, along with common law lien and citizen's arrest warrant, filed against circuit court judge in response to contempt finding).

C. Wis. Stat. § 946.69: Falsely assuming to act as a public officer or employee

Assuming to act in an official capacity or to perform an official function, knowing that he or she is not the public officer or public employee or the employee of a utility that he or she assumes to be, or exercises any function of a public office, knowing that he or she has not qualified so to act or that his or her right so to act has ceased.

State v. Wickstrom, 118 Wis. 2d 339, 348 N.W.2d 183 (Ct. App. 1984). In this case the defendant, a member of the Posse Comitatus, created his own "constitutional township" and held an "election" where he was elected town clerk and municipal judge. The defendant then had published an ordinance, issued various licenses and filed and attempted to file with legitimate governmental agencies an oath, a bond and "title" document. The defendant also sent correspondence using the title "town clerk." Many of these actions were taken after the attorney general issued an opinion that the township was not properly created and that the actions taken by the purported officers had no legal effect. The defendant's conviction was affirmed. Importantly, the court of appeals agreed that a person could violate the statute even if the offices he assumed to act under were nonexistent. The statute requires that a defendant know he did not have authority to act in an official capacity or to perform an official function because he did not hold a public office that would confer such authority. The court also found that the statute was neither unconstitutionally vague nor overbroad. The court noted that the statute does not prohibit the mere simulation of official functions without assuming to take official action or prohibit a person from assuming to perform the official function of positions that are not public offices in Wisconsin. In addition, the court stated that the statute does not punish propounding unpopular views and is directed at conduct and not speech.

D. Other statutes

Any number of other statutes may apply depending upon the facts and circumstances including **extortion** (Wis. Stat. § 943.30), **harassment** (Wis. Stat. § 947.013), **battery or threats against court officers and law enforcement** (Wis. Stat. 941.203), **threats to the public** (Wis. Stat. 947.019), etc.

IV. CIVIL RESPONSES:

A. Statutes

Wis. Stat. § 706.13 is the civil version of criminal slander of title. Pursuant to this statute, a person who files a false, sham or frivolous lien or other instrument relating to title in real or personal property is liable in tort to any person "interested in the property whose title is thereby impaired, for punitive damages of $1,000 plus any actual damages caused by the filing, entering or recording."

In addition, Wis. Stat. § 706.15 prohibits the filing of any lien against the real or personal property of any state or local governmental official or employee relating to an alleged breach of duty "except after notice and a hearing before a court of record and a finding by the court that probable cause exists that there was a breach of duty."

B. Uniform Commercial Code liens

As discussed above, one tactic of common law groups is to file UCC liens, usually a financing statement purporting to reflect a security agreement, against public officials and others. This may take the form of a financing statement or both a financing statement and a security agreement. Certain UCC filings are authorized to be filed with the Register of Deeds. Wis. Stat. § 409.501.

In regard to UCC liens, Wis. Stat. § 409.513 provides that a person may demand that the filer submit a termination statement. However, there is no enforcement provision if the filer refuses. Wis. Stat. § 408.518 allows a person to file a correction statement for a wrongfully filed record. However, while the correction statement can be filed it does not remove the initial lien. In order to remove such a lien it may be necessary to file a civil action seeking an order to expunge the filing.

Wis. Stat. § 409.404(1)(d), also provides that a person who refuses to file a termination statement within ten days of a written demand is liable to the debtor for $500 and any loss caused to the debtor by the failure to file the termination statement as well as reasonable attorney fees and court costs.

C. Declaratory judgment/injunction/damages actions

In the event that any lien is improperly or illegally filed, an action for declaratory judgment can be filed seeking to remove the lien from the public files.

In addition, an injunction could be requested to prevent the person from filing such documents in the future. In addition, it should be remembered that a person who violates any such injunction could be charged with remedial (civil) or punitive (criminal) contempt of court under chapter 785 of the Wisconsin Statutes.

Finally, a civil suit for damages could be brought.

D. Letter response

Consideration can be given to responding to the sender of the documents. This may be most appropriate when the documents suggest that some financial debt is owed, that a lien may be filed or that some type of invalid judgment may be forthcoming. An example of such a letter is attached as **Appendix E**.

The purpose of such a letter is twofold. First, it may forestall the filing of additional documents or at least those documents that may create financial or other problems for public officials. Second, it serves as a notice of the potential illegality of the conduct. If the person persists in filing unlawful documents then a letter can serve as evidence of notice of the law. While not required, it can be useful in showing the person's disregard for the law and lack of good faith.

It is also important to note that some of the letters and demands received may be read as constituting a demand for public records. Therefore, care should be taken to avoid an inadvertent violation of public records law.

V. REGISTER OF DEEDS DUTIES

Wisconsin Stat. § 59.43 sets forth the duties of the register of deeds. That statute provides, in part, that a register of deeds shall:

> (1) record or cause to be recorded . . . correctly and legibly all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in his or her office and left with him or her for that purpose, provided such documents have plainly printed or typewritten thereon the names of the grantors, grantees, witnesses and notary. . . . (Emphasis added.)

The statute goes on the specify other duties of the office and documents the register of deeds is responsible for filing.

Wisconsin Stat. § 59.43(2m) specifies the required format for documents submitted for filing.

Wisconsin Stat. § 59.513 also prohibits the filing of any instrument regarding a lien on any real estate without the instrument containing the name of the person drafting the document.

The above statutes set forth some basic criteria before documents may be accepted for filing. In addition to the basic requirement that the name of the drafter appear on the document, the document must be one "authorized by law to be recorded."

A previous Attorney General opinion has concluded that registers of deeds are not required to accept for filing various common law documents that do not meet that test. 69 OAG 58 (1980) **(Appendix H).**

It is likely that register of deeds will seek to discuss questionable documents with corporation counsel before being filed.

VI. CLERKS OF COURT

A. General duties

Wisconsin Stat. § 59.40 sets forth the duties of the Clerk of Court. That statute provides, in part, that the clerk of circuit court shall:

> (2)(a) File and keep all papers **properly deposited** with him or her in every action or proceeding unless required to transmit the papers. (emphasis added).

Wisconsin Stat. § 753.30(1) also provides that: The clerk of circuit court shall keep the books and records under s. 59.40 (2) (a) to (i) and ch. 799 and perform the duties under s. 59.40 (2) (j) to (q) for all matters in the circuit court except those under chs. 48, 54, and 851 to 879.

B. Form of documents

Wisconsin Stat. § 801.01(1) to (3) states that chapters 801 to 847 govern all civil actions and special proceedings.

Wisconsin Stat. § 802.04(1) governs the form of pleadings. This statute states, in part:

> Every pleading shall contain a caption setting forth the name of the court, the venue, the title of the action, the file number, and a designation as in s. 802.01(1).
>
> If a pleading contains motions, or an answer or reply contains cross-claims or counterclaims, the designation in the caption shall state their existence. In the complaint the caption of the action shall include the standardized description of the case classification type and associated code number as approved by the director of state courts. (Emphasis added.)

Section 802.01(1) provides the following:

> There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third- party complaint . . . and a third-party answer. . . . No other pleading shall be allowed, except that the court may order a further pleading to a reply or to any answer. (Emphasis added.)

Thus, the rules for the captions of pleadings, and what type of pleadings are allowed, are very specific.

The same general requirements for captions exist in regards to motions and other papers filed in an action. Wis. Stat. § 802.01(2)(d) states:

> The rules applicable to captions, signing and other matters or form of pleadings apply to all motions and other papers in an action. . . . The name of the party seeking the order or relief and a brief description of the type of order or relief sought shall be included in the caption of every written motion.

Lastly, these same rules governing captions and form of pleadings, motions and other documents are applicable to criminal actions. Wis. Stat. § 972.11provides:

> Except as provided in subs. (2) to (5), the rules of evidence and practice in civil actions shall be applicable in all criminal proceedings unless the context of a section or rule manifestly requires a different construction.

Of course, the criminal rules do not provide for answers or other types of pleadings. Nor may a person raise a civil claim for damages in a criminal proceeding.

Based on the above, some general conclusions can be drawn. Clerks of Court should be able to refuse to file any documents that do not comply with the statutory requirements. Specifically, documents that do not contain the existing case number (*e.g.,* not a "sheriff's case number" or similar unidentifiable file number), the correct name of the court (*e.g.,* not superior or common law court) and the correct title of the action (*e.g.,* Plaintiff v. Defendant and not a completely new caption adding parties, etc.), or the correct allowable designation and code numbers.

Nor need clerks of court accept for filing in a criminal case documents which not only fail to meet the form and caption requirements but also those which raise civil claims. At the very least, clerks can refuse to file documents in a criminal case which purport to be some type of default judgment against persons who are not even parties to the legitimate pending case. **Alternatively, the documents could be accepted, but not filed, with the documents reviewed by corporation counsel or a circuit court judge for the ultimate decision.** There is no reason why the legal system should condone persons from trying to circumvent established procedures for raising legal claims. It would appear that these persons are simply attempting to use the existing judicial system to raise their common law claims.

Certainly the persons filing these documents can be asked whether they wish to file a civil action against the persons they name in their documents. If so, then they will have to comply with the statutory requirements, including the form of a summons. More importantly, they will have to pay the necessary filing fee.

In short, if a person wishes to file a "non-statutory abatement" challenging some action taken against him in a pending case he can certainly do so, as long as he complies with the necessary statutory requirements. Similarly, if a person wishes to file some sort of civil action against someone claiming damages, he may do so, again so long as the necessary statutory procedures and proper forms are followed.

One question that may be raised is whether a clerk of court has any discretionary power to refuse to accept documents for filing which do not meet the statutory criteria. As noted above, Sections 59.40 and 753.30 of the Wisconsin Statutes govern the powers and duties of clerks of courts. Section 59.40(1), Stats., provides that the clerk of circuit court shall "[f]ile and keep all papers <u>properly</u> deposited with him or her." It can be argued that documents which do not comply with the relevant statutory requirements are not properly deposited with the clerk.

C. Court rules

In conjunction with existing state statutes, a circuit court can adopt court rules governing the filing of documents. Wis. Stat. § 753.35.

VII. SELECTED COURT DECISIONS--"IDIOT LEGAL ARGUMENTS" OR "A CORNUCOPIA OF CONFUSION"

For a detailed discussion and citation too many cases rejected various and sundry bizarre legal arguments see a compendium of cases compiled by Bernard Sussman entitled "*Idiot Legal Arguments: A Casebook for Dealing with Extremist Legal Arguments*."https://judicialmisconduct.us/drupal/sites/default/files/2018-02/Sussman=IdiotLegalArguments.pdf (Note: the cases are dated and the outline has not been kept current).

There are also a number of Wisconsin cases which have dealt with various "idiot" arguments:

State v. Casteel, 2001 WI App 188, 247 Wis. 2d 451, 634 N.W.2d 338 (Ct. App. 2001) (Claims that government has been bankrupt since 1933 and thus lost its sovereignty; that defendant was subject only to admiralty-maritime jurisdiction; and that attorney's licenses are granted by a foreign power and violate the "original" thirteenth amendment);

Tracy v. Department of Revenue, 133 Wis. 2d 151, 394 N.W. 2d 756 (Ct. App. 1986)(rejecting various arguments including that they were not "persons," that wages from "common law occupations" are not taxable income, that the 16th amendment was not properly ratified and that the matter could only be heard in federal court. Also notable for the fact that the court of appeals found the appeal frivolous and directed trial court to determine attorney fees to be awarded to state);

Uphoff v. Wisconsin Department of Revenue**,** unpublished Court of Appeals decision, case No. 86-0849, 1987 WL 267523 (1987) (rejecting claimed defense of "sovereign citizen," religious freedom, right of privacy and that federal reserve notes are not legal tender);

State v. Edaburn, unpublished Court of Appeals decision, case No.85-672-CR (1985) (In tax case rejecting claim of no jurisdiction because of status as a "sovereign freeman" and a "free and natural person.");

State v. Edaburn, unpublished Court of Appeals decision, case No.85-1596-CR (March 18, 1986) (in challenge to convictions for criminal slander of title and simulating legal process, court rejected claims of immunity based on theory of personal sovereignty, that the state must show a constraining need before prosecuting, that defendant was entitled to an original hearing before the United States Supreme Court and that defendant was entitled to a jury decision

on the law as well as the facts." Note: this argument is sometimes based on the language of Art. I, Sec. 1 of the Wisconsin Constitution which provides that in libel cases "the jury shall have the right to determine the law and the facts);

State v. Dempsey, unpublished Court of Appeals decision, case No.86-0924-CR, 1987 WL 267319 (1987) (In appeal from conviction of operating a motor vehicle without a license the court rejected various arguments including that of no personal jurisdiction because the defendant was subject to the traffic laws in effect in New York in 1804 where a relative was born, that he was a free white sovereign citizen with no implied contract with the state which required that he obtain a license, and various other related arguments);

State v. Bohardt, unpublished Court of Appeals decision, case No.95-3467-CR (1996) (In possession of firearm by a felon and bailjumping case rejecting claim that trial court had no jurisdiction as it was not a common law court of pleas and related arguments);

State v. Beck, unpublished Court of Appeals decision, case No.85-0469, 1986 WL 217317 (1986) (rejecting claim that circuit court is an admiralty court);

State v. Niesl, unpublished Court of Appeals decision, case No. 84-396-CR (1985) (In tax case rejecting argument of no jurisdiction based on claim of being "unenfranchised freeman" and not a "juristic person.").

Schneider v. Schlaefer*, et. al.*, 975 F. Supp. 1160 (E.D. Wis. 1997) (Rejecting arguments that court lacked jurisdiction because American flag in courtroom contained fringe).

Also see: "Others have attempted to persuade the judiciary that fringe on an American flag denotes a court of admiralty. In light of the fact that this Court has such a flag in its courtroom, the issue is addressed. The concept behind the theory the proponent asserts is that if a courtroom is adorned with a flag which happens to be fringed around the edges, such decor indicates that the court is one of admiralty jurisdiction exclusively. To think that a fringed flag adorning the courtroom somehow limits this Court's jurisdiction is frivolous. See Vella v. McCammon, 671 F.Supp. 1128, 1129 (S.D.Tex.1987) (describing petitioner's claim that court lacked jurisdiction because flag was fringed as "without merit" and "totally frivolous"). Unfortunately for Defendant Greenstreet, decor is not a determinant for jurisdiction." *United States v. Greenstreet*, 912 F. Supp. 224 (N.D. Tex. 1996).

City of Eau Claire v Larson, 155 Wis.2d 467 (Unpublished 1990). ***City of Omro v Graf****,* 140 Wis.2d 864 (Unpublished 1987); ***City of Sheboygan v Wilson***, 238 Wis.2d 839, 618 N.W.2d 272 (Table), 2000 WL 1226637, 2000 WI App 214 (Unpublished 2000).

Vehicle and driver's registration laws do not violate common law, "god given" or constitutional right to travel.

City of Fond Du Lac v Derksen, 252 Wis.2d 768, 642 N.W.2d 647 (Table), 2002 WL 181737, 2002 WI App 85

> *There is no "right" to drive a motor vehicle upon a public highway and certainly no "right" to speed on the highway. Derksen is certainly free to travel on the highways of this country. He can take the bus. He can hire a driver. He can operate a bicycle on roads that allow bicycles. He can even walk on some highways. No one will stop him and claim that he has no* ***right to travel****. But he cannot operate a motor vehicle unless he passes a test showing that he is a responsible driver, pays his fees, and drives responsibly.*

State v Brunton, 212 Wis.2d 643, 570 N.W.2d 63 (Table), 1997 WL 365455 (unpublished).

> *Brunton argues first that he has "an inalienable and constitutional right to travel in his automobile on public ways" that cannot be taken away or limited by an act of the legislature, namely, the statutes prohibiting one from driving after revocation of his or her driver's license. And while he cites us to dozens of cases and texts-as well as the Declaration of Independence-in support of his argument, he refers us to no authority in Wisconsin or elsewhere holding that the state cannot validly enact laws requiring licensing of drivers and penalizing their violation. To the contrary, both this court and the Wisconsin Supreme Court have repeatedly recognized that the operation of a motor vehicle is a privilege properly regulated by the state and that driving without a license can, under certain circumstances, "constitute[ ] criminal conduct." State v. Stehlek, 262 Wis. 642, 646, 56 N.W.2d 514, 516 (1953); State v. Krier, 165 Wis.2d 673, 677, 478 N.W.2d 63, 65 (Ct.App.1991); Kopf v. State, 158 Wis.2d 208, 214, 461 N.W.2d 813, 815 (Ct.App.1990).*

State v Dempsey, 136 Wis.2d 557, 402 N.W.2d 390 (Table), 1987 WL 267319 (unpublished).

> Dempsey argues that the United States Constitution, as interpreted by the *Dred Scott v. Sanford, 60 U.S. 691 (1857)* decision, makes him a free white member of the ***sovereign*** governing body. As a free white ***sovereign citizen***, Dempsey has repudiated the fraudulent imposition of an implied contract between himself and the state of Wisconsin which requires him to obtain a driver's license. Dempsey argues that an implied contract was imposed upon him when his parents mistakenly filed his birth certificate with the proper authorities in Wisconsin. He concludes that since he is, by heredity, a member of a special class of the free white governing body, he can discriminately pick and choose the federal, state and local laws he agrees with and can ignore or repudiate those that he dislikes, because they were not in existence at the time of Dred Scott.
>
> *Dempsey argues that the United States Constitution, as interpreted by the Dred*

*Scott v. Sanford, 60 U.S. 691 (1857) decision, makes him a free white member of the **sovereign** governing body. As a free white **sovereign citizen**, Dempsey has repudiated the fraudulent imposition of an implied contract between himself and the state of Wisconsin which requires him to obtain a driver's license. Dempsey argues that an implied contract was imposed upon him when his parents mistakenly filed his birth certificate with the proper authorities in Wisconsin. He concludes that since he is, by heredity, a member of a special class of the free white governing body, he can discriminately pick and choose the federal, state and local laws he agrees with and can ignore or repudiate those that he dislikes, because they were not in existence at the time of Dred Scott.*

***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.** Dempsey, just like any other person using the highways, must comply with Wisconsin's licensing laws. Dempsey's claim that he is a member of some special class because of heredity is pure nonsense. The trial court had personal jurisdiction over Dempsey.*

*Dempsey next argues that the state has no authority to compel a free white member of the **sovereign** body to obtain permission from a governmental agency as a condition precedent to his/her exercise of their absolute right to free locomotion/travel on the highways. For his authority he cites directly to two state of Washington decisions: Robertson v. Department of Public Works, 39 P.2d 596 (Wash. 1934) and Hadfield v. Lundin, 168 P. 516 (Wash. 1917). Both decisions are inapposite to Dempsey's theory of this case and comport with Wisconsin law.*

State v Fehrman, 134 Wis.2d 455, 397 N.W.2d 158 (Table)

The first issue is whether the trial court had **jurisdiction**. The Fehrmans contend that, as '**sovereigns**,' they are not bound by state laws as '14th Amendment persons.' Section 1.01, Stats., states:

> The sovereignty and jurisdiction of this State extend to all places within the boundaries declared in Article II of the Constitution, subject only to such rights of jurisdiction as have been or shall be acquired by the United States over any places therein; and the Governor, and all subordinate officers of the State, shall maintain and defend its sovereignty and jurisdiction.

'By definition long antedating the constitution of this state, a crime has been defined as an offense against the sovereign and a criminal action 'one prosecuted by the state against a person charged with a public offense committed in violation of a public law.'' State v. Kramsvogel, 124 Wis.2d 101, 115-16 n.15, 369 N.W.2d 145, 152 (1985) (citations omitted). Article VII, sec. 8 of the Wisconsin Constitution gives the circuit court jurisdiction 'in all matters civil and criminal within this state.'

The City of Waukesha, which was the site of the Fehrmans' arrest, is within the boundaries of the State of Wisconsin. The Fehrmans were on a public roadway at the time they were stopped. They were charged with offenses which violate

the laws of the State of Wisconsin. Their claimed status as 'sovereigns' is not controlling, nor does the fourteenth amendment of the United States Constitution apply to state laws which are not in conflict with the privileges and immunities granted to citizens of the United States. The Fehrmans may not selectively avail themselves of the privileges and benefits affirmatively granted by this state without thereby being bound by the laws and regulations the state imposes. We conclude that the Fehrmans are within the jurisdiction of the state and were properly before the trial court.

State v Jilek, 160 Wis.2d 50, 468 N.W.2d 33 (Table), 1990 WL 262144

On appeal, Jilek argues that he has a constitutional right to unrestricted travel. Although Jilek's brief is unclear, this court interprets his argument to be that because the police had no authority to arrest him for speeding or operating a motor vehicle without an operator's license, the subsequent arrests for obstructing an officer and possession of marijuana were illegal. Additionally, he argues that the trial court did not have jurisdiction over him because the trial court entered a not guilty plea for him when he stood mute, had no authority to make him pay the fines and costs with debt-based currency, improperly prevented him from submitting certain documentary evidence and improperly told the jury that they only had the right to judge the facts and not the law. This court rejects these arguments and affirms the judgment.

Jilek has not furnished this court a transcript of the jury trial. Therefore, this court will not review any factual disputes. *See* *In re Ryde*, 76 Wis.2d 558, 563, 251 N.W.2d 791, 793 (1977). First, Jilek argues that he has a constitutional **right to travel**, and the states cannot interfere with that right. Although a person has a right to unrestricted travel, this does not mean that person has a right to operate a motor vehicle without restrictions. If Jilek wants to walk, fine. But if he elects to operate a vehicle, then he must comply with the state's safety requirements. The supreme court has rejected such arguments as Jilek's and held that the operation of a motor vehicle upon a highway is a privilege and not a property right, and is subject to reasonable regulations under its police power. *State v. Seraphine*, 266 Wis. 118, 123, 62 N.W.2d 403, 406 (1954).

When a defendant stands mute or refuses to plead at arraignment, the trial court is required to direct the entry of a not guilty plea on the defendant's behalf. Section 971.06(2), Stats. Also, the constitutional right to a jury trial requires that questions of law be decided by the court and questions of fact be decided by the jury. *United States v. Standard Oil Co.*, 24 F.Supp. 575, 576 (W.D.Wis.1938), *aff'd,* 310 U.S. 150 (1940). Jilek argues that the trial court erred when it refused to submit to the jury his identification card (a poorly made non-authentic diplomatic card) stating that he had a right to unrestricted travel, copies of court decisions and transcript of a different traffic trial. These were offered in support of his argument that he had an unrestricted **right to travel**. As concluded previously, Jilek does not have such an unrestricted right, and the court therefore properly prohibited such evidence going to the jury. Finally, he argues that the court lacked authority to make him pay the fines and costs in debt-based currency. Similar arguments have been made in the past to this court and rejected. This court need not repeat itself.

VIII. CASE EXAMPLES

- State v. Steven Magritz
- State v. Janice Logan, et al.
- State v. Charles Frisinger
- State v. Lester and Lilac Sundsmo
- State v Cornelius Hill

VIDEO EXAMPLES

IX. PUBLIC OFFICIAL/EMPLOYEE SECURITY AND SAFETY

APPENDIX I: *DEALING WITH ANTI-GOVERNMENT EXTREMISTS AND SOVEREIGN CITIZENS--TIPS AND SUGGESTIONS*

A. Risk Assessment

- Rejection of governmental authority. You represent illegal/illegitimate government.
- Belief in persecution.
- Individual characteristics/risks

B. General responses/reactions

1. Office visits/personal demands

2. Court appearances

- Security
- Patience
- Refusal to identify self
- Fringed flag
- Filings by parties
- Pro Se status/stand-by counsel
- Competence
- Jury concerns

3. Documents

- Review to determine if constitutes a physical threat or direct/implied threat of financial harm (references to liens, demands for payment, financial claims, etc).
- Consult with legal counsel.
- Decision as to whether response warranted. If yes, by whom.
- Contact other interested parties:

- Sheriff/police dept.
- District Attorney
- Register of Deeds. Request to be advised of any filings.
- Check for UCC filings at https://www.wdfi.org/ucc/search/

X. RESOURCES

There are many resources available on the internet including training materials for law enforcement available on anti-government extremists. The following are some general resources and those focused on general issues and courtrooms.

Anti-Defamation League: http://adl.org/

The Lawless Ones: The Resurgence of the Sovereign Citizen Movement, https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/Lawless-Ones-2012-Edition-WEB-final.pdf (2012).

Sovereign Citizen Movement
https://www.adl.org/resources/backgrounders/sovereign-citizen-movement

The Sovereign Citizen Movement Common Documentary Identifiers & Examples
https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/Sovereign-Citizen-Documentary-Identifiers.pdf

The Washitaw Nation and Moorish Sovereign Citizens: What You Need to Know
https://www.adl.org/blog/the-washitaw-nation-and-moorish-sovereign-citizens-what-you-need-to-know

ADL: Sovereign Citizens Create Vigilante "Grand Juries" in Latest Attempt to Flout the Law
https://www.adl.org/news/press-releases/adl-sovereign-citizens-create-vigilante-grand-juries-in-latest-attempt-to-flout

Sovereign Citizen Funny Money Not So Humorous For Victims
https://www.adl.org/blog/sovereign-citizen-funny-money-not-so-humorous-for-victims

Southern Poverty Law Center: http://www.splcenter.org/

The Patriot Movement Explodes, Spring 2012.
http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2012/spring/the-year-in-hate-and-extremism

"Sovereign citizens" movement resources:
Extremist Profile: Sovereign Citizens Movement
Law Enforcement video: Sovereign Citizens
Intelligence Report: What is a Sovereign Citizen?
Intelligence Report Special Edition: Sovereign Citizens
Hatewatch blogs on "sovereign citizens"
Dictionary of the Peculiar: https://www.splcenter.org/fighting-hate/intelligence-report/2010/sovereigns-dictionary-peculiar

***Idiot Legal Arguments: A Casebook for Dealing with Extremist Legal Arguments*, Bernard Sussman.**
https://judicialmisconduct.us/drupal/sites/default/files/2018-02/Sussman=IdiotLegalArguments.pdf

***The Anti-Government Movement Today*, Courthouse Security**
https://cdm16501.contentdm.oclc.org/digital/collection/facilities/id/121

The Anti-Government Movement Guidebook, National Center for State Courts (1999).
http://www.tulanelink.com/pdf/anti-gov_movement_guidebook.pdf

***Managing High Profile cases*,** National Center for State Courts
https://www.ncsc.org/Microsites/High-Profile-Cases/Home/Case-Type.aspx

The Anti-Government Movement Guidebook
The National Center for State Courts, 1999.
http://www.tulanelink.com/pdf/anti-gov_movement_guidebook.pdf

***Sovereign Citizens: A Growing Domestic Threat to Law Enforcement*,**
FBI Law Enforcement Bulletin, September 2011.
https://leb.fbi.gov/articles/featured-articles/sovereign-citizens-a-growing-domestic-threat-to-law-enforcement

Sovereign Citizens. Threats to our courts?
Texas Municipal Courts
http://www.tmcec.com/public/files/File/Course%20Materials/FY13/Clerks/Houston/Turner%20-%20Sovereign%20Citizens%20-%20BINDER.pdf