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Effectively Handling Sovereign Citizens in Municipal Court

W. Mattison Gamble
Magistrate & Municipal Judge
Sumter County Summary Court

Training Objective:

Viewers will gain a basic understanding of who Sovereign Citizens are, their ideology and beliefs, how they are roadside and courtroom security issues, typical tactics with regard to pretrial filings, common courtroom dialogue, and suggestions on how to handle these individuals in a courtroom setting; this information can be used by all judges going forward in controlling these potentially unruly litigants.

Sovereign Citizens: Who Are They (and Where Did They Come From?)

"I'm not the person you say I am"
"I don't have to follow your laws"
"You have no authority over me"
"Your position as a judge doesn't apply to me"
"Your rulings don't mean anything"
"I don't have to pay any fines"
"I'm NOT a U.S. citizen like you are"

**Sovereign Citizens: Who Are They
(and Where Did They Come From?)**

- "Sovereign citizen" is a term used to cover a wide array of groups that share a common belief
- Individuals that believe most forms of existing governmental structure are illegitimate or illegal
- This includes law enforcement and all levels of court except for the "one supreme Court" (as it appears in Article III, Sec. 1)
- No currently established state court has authority over them
- Want to establish/restore their version of "government"
- Not one specific group of individuals
- Each group's beliefs may slightly vary but core beliefs same
- Often described as "extreme right-wing" or anarchists
- Many start out as tax protestors or part of a scam/scheme

**Sovereign Citizens: Who Are They
(and Where Did They Come From?)**

- Anti-government movements can be traced back two centuries to various anti-government movements, e.g.
 - Posse Comitatus (1860s, later as Constitutional Militia)
 - Ku Klux Klan (Post-Civil War/Reconstruction/1920s-50s)
 - Const'l Militia/Off-Grid Survivalists/Preppers (1990s)
- Mutated into nationwide movement that encompasses Moorish National/Science Temple, Washitaw Nation, various indigenous persons claims, NC American Republic, Carolina Liberty, etc.
- All are common in the "freeman" belief and movement that persons should not be automatically subject to federal control and taxation, and can reject their federal citizenship

Theory Behind Sovereignty

- "Original" form of government created by founding fathers
- This form was illegally replaced
 - Reconstruction
 - Great Depression
- "New current" government is based on admiralty law



14th Amendment forced/tricked people in the country to renounce their sovereign state citizenship and accept citizenship of the U.S. The United States is considered a "corporation".

Theory Behind Sovereignty

- U.S. abandoned the gold standard (1933/1971)
- Citizens are collateral for the country's debts
- Earned income pledged to foreign investors
- U.S. Treasury has secret bank accounts for each citizen upon birth (issuance of SSN) with an undetermined amount in it
- This creates TWO identities for each individual:
 - Shell account/"strawman"/collateral (the "artificial" person)
 - "Natural person" identity (the actual real person)

Only the "artificial" person is subject to Federal & state laws/taxes as they are under contract with the U.S. "Natural" sovereign citizens are not subject to any state/federal laws or any authority conferred under those laws

Sovereign Citizens: Who Are They (and Where Did They Come From?)

- The one main common belief amongst these groups:

Established national and state governments and their laws have no authority over them!

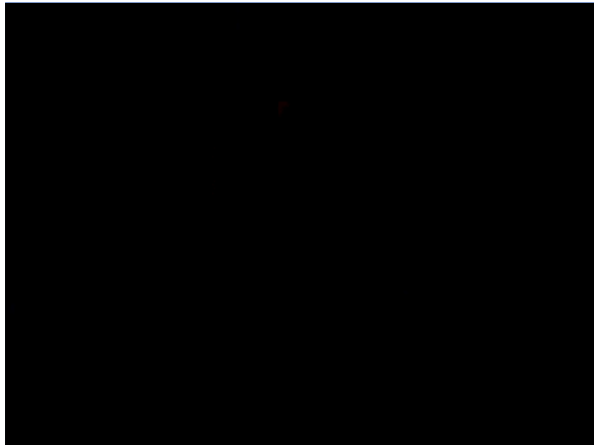
The only "legal authority" over them is "the common law".

U.S. currency not recognized (only gold)

**Sovereign Citizens: Who Are They
(and Where Did They Come From?)**

Spectrum of sovereignty:

- Fully immersed believers
 - Do not consider themselves subject to any laws
 - Do not pay taxes or have bank accounts
 - Do not believe in any gun control/threat to L.E. & judges
- Testing out sovereignty for personal benefit
 - Declaration of sovereignty "packet"
 - Contests locally-levied taxes
 - Uses sovereignty to dispute traffic tickets & other state charges



**Terms, Arguments, and Filings
Common to Sovereign Citizen
Claims**

Sovereign Citizens in Court

"Right to travel argument" in traffic cases will ALWAYS come up

SC Code uses "drive" or "operate" in Title 56 when referring to motor vehicles.

Sovereign Citizens rely on 1st Amendment language that they are "traveling" and not "driving"

No one has hired them to drive, nor are they driving for government purposes

"I can't be pulled over"

Common Terms Used in Filings and In the Courtroom

- "El (or Eil)-Bey" (or one/other)
- "Indigenous"
- "Aboriginal"
- "Sovereign"
- "Non-resident alien"
- "De-facto _____" (government, police, court system, etc.)
- "Strawman"
- "Traveling" (not "driving")
- "Vessel" or "Conveyance"
- "Domicile/Location" (not "residence")
- "Without prejudice" "Under Duress" (usually when signing documents)

Easily ID Sovereign Filings

- Various UCC Code Titles & Sections referenced
- Address is prefaced with "C/O"
- Zip code is bracketed (e.g., [29150])
- UPPERCASE vs. Lowercase words mean different things
- RED INK EVERYWHERE
- Fingerprints and seals (usually also in red)
- Multiple notary seals
- Nonsensical references to Constitution or the Bible
- Motions demanding monetary judgments upon rulings

Common Visual Cues in Traffic Cases



Common Visual Cues in Traffic Cases

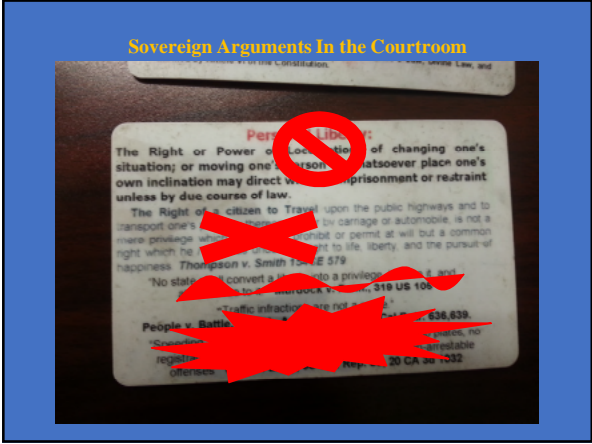


Common Visual Cues in Traffic Cases









Sovereign Arguments In the Courtroom

- General lack of courtroom respect
- Talks first, over witnesses, over judge
- U.C.C. is controlling law vs. State law
- Questions your oath of office
- "Who is the victim?" "Who was harmed?"
- Traveling in a commercial vs. private capacity
- No insurance requirement because:
 - no one was injured
 - they are traveling in a conveyance, not vehicle
- If there is an injury, they can pay out of their strawman account (just contact the U.S. Treasury!) if the injured party is an artificial person vs. natural.
- No contract exists between them and the court/law enforcement/the state/etc.
- They have not consented to your authority

The U.C.C. in Sovereign Arguments

U.C.C. established to create a consistent set of laws that states adopt so that all commercial transactions or business contracts may be enforced uniformly across the nation.

When the U.S. adopted the 14th Amendment, it became a corporation. Judges are agents of this corporation.

Therefore, the U.C.C. is the controlling law of the land.

In order for the sovereign citizen to be subject to any other jurisdiction, they must first enter into a contract.

The person charged with the offense is the "strawman".

"Oath of Office" Argument

Sovereign citizens may ask you to produce an original or certified copy of your "oath of office" and any associated bond paperwork.

If you do not maintain the original or certified copy with you on the bench, you have no authority to hear the case.

"Paper Terrorism"

Sovereign citizens will often file dozens, if not hundreds, of pages of motions for even the most minimal offenses.

Most of these motions have no bearing on the case itself.

Written in nonsense language that the sovereign citizen will claim they understand.

Do not accept any case citations or "summaries" as correct.

Attempt to confuse and dissuade the court from going forward.

"Paper Terrorism"

Even if the case is dismissed by the state or you dismiss the case/find the sovereign citizen not guilty, they may file fraudulent liens against you, other judges, the prosecutor, the arresting officer, the clerk of court, etc.

Often these filings are not discovered until an individual attempts to sell, obtain financing or refinance.

"Paper Terrorism"



Effective Techniques for Handling Sovereign Citizens



Judges: Remember Your Position

Canon 1:
"A judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved"

Sovereign citizens may renounce certain laws, but they are still a true litigant before the court.

"The integrity and independence of judges depends in turn upon their acting without fear or favor."

Judges: Remember Your Position

Canon 2(A):

A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Although you will get frustrated and angry, you must compose yourself to ensure public confidence in your position.

Retaliatory or excessive admonition could be considered "improper conduct" under this Canon.

Judges: Remember Your Position

Canon 3(B)(4):

"A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others..."

Courtroom Considerations

- Call the case last / have state call the case last
- Attention-seeking
- Entertainment for others that may be there
- You cannot change their mind
- Their goal is to upset you, everyone else, disrupt court, and grind the wheels of justice down to a halt...
- ...Dismissal of charges

Do you need more security?

Who else did they bring or try to bring into the courtroom?

You can always recess to make adjustments.

Courtroom Considerations

Avoid being confrontational when responding to arguments:

- “You believe that...” vs “You *really* think...”
- “Please talk directly to me” vs “Don’t address the officer”
- “I understand and appreciate...”
- “Help me understand...”

Be careful about how much leeway you give.

Again, you can always recess.

Courtroom Considerations

Do not engage in too much rhetoric

- Frustrate them into taking other actions
- Appearance of legitimacy of beliefs encourages debate

Do not sign anything

Do not recuse yourself because they file a motion

No extra “court reporters”/videographers in courtroom

Cut them off when you have had enough

Only hold them in contempt when necessary

Prepared to be sued!

Courtroom Considerations

Make your rulings quick and concise.

Your final ruling should be done

- Quietly
- Patiently
- Without explanation

Then stand up and walk out

Preventing Unnecessary Motions and Arguments

Motions filed with clerk prior to trial
Limit arguments and questions to charges only
Limit argument time
Continue case to allow sovereign citizen to prepare written argument/motion (limit # of pages!), do same for state SCRPC Rule 11 requirements

Preventing Unnecessary Motions and Arguments

Bey v. State of Indiana, 847 F.3d 559 (7th Cir. 2017)
Appellants claims that he was not subject to taxation due to sovereign Moorish status and other sovereign citizen claims "repeatedly rejected" by the courts.

U.S. v. Jonassen, 759 F.3d 653 (7th Cir. 2014)
Defendant's claims of sovereignty not enough to necessitate a competency hearing. Sovereign citizenship defenses are "frivolous legal theor[ies]".

U.S. v. Banks, 828 F.3d 609 (7th Cir. 2016)
Defendant's firing of counsel and pursuance of sovereign citizen defense post-Faretta colloquy indicative of waiver of right to counsel and proceeding pro se.

Preventing Unnecessary Motions and Arguments

SCRPC Rule 12(f): Motion to Strike
"...upon the court's own initiative, at any time the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter."

Gatekeeper Order:

- "Last resort" to prevent new or continued filings by litigant
- Order must be narrowly tailored to certain filings/motions
- Legitimate motions still may be filed
- Do not require an attorney to file for Def. (denied by 11th Cir.)
- Clerk may hold filings until judge approves (may need hearing)
- Defendant must have notice & opportunity to be heard before entering a gatekeeper order.
- Armstrong v. Koury Corp., 16 F. Supp. 2d 616 (M.D.N.C.1998)

If You Are Sued

SC Code §30-9-30:

(B)(1) If a person presents a [] lien, contract, or other document to the clerk of court or the register of deeds for filing or recording, the clerk of court or the register of deeds may refuse to accept the document for filing if he reasonably believes that the document is materially false or fraudulent or is a sham legal process. Within thirty days of a written notice of such refusal, the person presenting the document may commence a suit in a state court of competent jurisdiction requiring the clerk of court or the register of deeds to accept the document for filing.

(2) If the clerk of court or the register of deeds reasonably believes that a [] lien, contract, or other document is materially false or fraudulent, or is a sham legal process, the clerk of court or the register of deeds may remove the document from the public records after giving thirty days' written notice to the person on whose behalf the document was filed at the return address provided in the document. Within thirty days written notice of the proposed removal, the person providing the notice may commence a suit in a state court of competent jurisdiction preventing the clerk of court or the register of deeds from removing the document.

(3) If a clerk of court or a register of deeds improperly refuses to accept for filing or recording or improperly removes from the public records a conveyance, mortgage, judgment, lien, contract, or other document pursuant to this section, the clerk of court or register of deeds is not liable for damages, personally or in his official capacity, for the improper refusal or removal.

If You Are Sued

Fraudulent U.C.C. lien filings:

SC Code §36-9-501(d):

(d) If a person files with the filing office pursuant to subsections (a) or (b) a false or fraudulent financing statement or a financing statement filed for the purpose of hindering, harassing, or wrongfully interfering with another person or entity, a debtor named in that financing statement may file an action against the person that filed the financing statement seeking appropriate equitable relief or damages including, but not limited to, an order declaring the financing statement ineffective, ordering the filing office to terminate or purge the financing statement, and awarding reasonable attorney fees.

If You Are Sued

**SC Code §15-36-10, et. al.
SC Frivolous Civil Proceedings Sanctions Act**

SCRCP Rule 11(a), see *Rutyan v. Wright*, 322 S.C. 15 (1996)

Under this Rule, a party and/or the party's attorney may be sanctioned for filing a frivolous pleading, motion, or other paper, or for making frivolous arguments. *Link v. School District of Pickens County*, 302 S.C. 1 (1990).

The party and/or attorney may also be sanctioned for filing a pleading, motion, or other paper in bad faith whether or not there is good ground to support it. See *Johnson v. Dailey*, 318 S.C. 318 (1995).

If You Are Sued

SCRCP Rule 11(a)

The sanction may include an order to pay the reasonable costs and attorney's fees incurred by the party or parties defending against the frivolous action or action brought in bad faith, a reasonable fine to be paid to the court, or a directive of a nonmonetary nature designed to deter the party or the party's attorney from bringing any future frivolous action or action in bad faith. Further, if appropriate under the facts of the case, the court may order a party and/or the party's attorney to pay a reasonable monetary penalty to the party or parties defending against the frivolous action or action brought in bad faith.

A court imposing sanctions under Rule 11 should, in its order, describe the conduct determined to constitute a violation of the Rule and explain the basis for the sanction imposed. The imposition of sanctions, however, will not be disturbed on appeal absent a clear abuse of discretion by the lower court.
Johnson v. Dailey

Contact Info

Judge W. Mattison Gamble
Sumter County Summary Court
mgamble@sumtercountysc.gov
803-436-2284 (direct office)
