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# **The Sovereign Citizen Movement**

And its Impact on New York State Courts

Presented by

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The origin of the Sovereign Citizen ideology can be traced to the Posse Comitatus movement which began in the late 1960's in Portland, Oregon. Posse Comitatus (from the Latin phrase meaning force of the county) is a loosely organized far right social movement. Its core belief is that there is no legitimate form of government above the county level and no higher law enforcement authority than the county sheriff. From this core belief has sprung the present day Sovereign Citizen movement. These right wing anarchists believe that federal, state and local governments and the three branches of government and their agencies are illegitimate and can exert no jurisdiction over a Sovereign Citizen. Therefore, Sovereign Citizens are not subject to the laws and regulations of either federal, state or local governments. Sovereign Citizens believe that this illegitimate government cannot force them to pay taxes, possess driver's licenses or submit to the jurisdiction of the Courts. It is their belief that the government has been transformed from legitimacy to illegitimacy.

This transformation, according to the Sovereign Citizen Ideology, began with the passage of the Fourteenth Amendment in 1868. This amendment contains three clauses that have shaped the lives of Americans to the present day:

1. The Citizenship Clause: Overruled Chief Judge Taney's decision in Dred Scott v. Sandford (1857). In that decision, the Supreme

Court held that people of African descent, both slave and free were not citizens of the United States and therefore, had no right to access to the Court system. The Fourteenth Amendment broadly defines citizenship, thus conferring that privilege on persons of African descent, Invalidating the Dred Scott decision.

2. The Due Process Clause: Prohibited state and local government from depriving persons of life, liberty or property without due process of law.
3. The Equal Protection Clause: Required each State to provide equal protection under the law to all persons under its jurisdiction.

To Sovereign Citizens, the Fourteenth Amendment created an entirely new class of citizens, "citizens of the United States" or Fourteenth Amendment Citizens". This new class has no rights and has bound itself to the U.S. Government through the signing of "contracts"-such as Social Security cards, driver's licenses, car registrations, wedding licenses, birth certificates, hunting licenses and even the use of zip codes. Sovereign citizens renounce the use of these "contracts" and believe that doing so allows them to be "Freemen" who are "above the law". By this reasoning, they don't pay or file income taxes, possess driver's licenses, register their vehicles or perform any of the activities that "citizens of the United States" regularly do.

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The second historical event that the Sovereign Citizen movement uses to justify its belief that the Government has transformed from legitimate to illegitimate is the abandonment by the United States Government in 1933 of the gold standard basis for U.S. currency. Executive Order 6102 signed by President Franklin Roosevelt on April 5, 1933 criminalized the possession of monetary gold by any individual. This executive order required citizens to turn in their monetary gold and to be reimbursed at a set rate by the government. Then on June 5, 1933, Congress enacted a joint resolution nullifying the rights of creditors to demand payment in gold. Consequently, our currency was no longer backed by gold reserves-it was instead backed by the "full faith and credit" of the United States Government. Sovereign citizens believe that by abandoning the gold standard, the United States government became bankrupt and-this is perhaps the craziest part, that the United States government began using its citizens as collateral in trade agreements with foreign governments. Accordingly, each and every citizen has a monetary value which is placed by the Government in a secret United States Treasury Direct Account. These values range from \$500,000.00 to more than \$3,000,000.00 per citizen and are credited at birth based upon the infant's projected earnings. The child's birth certificate and assigned social security number are key to establishing and maintaining these accounts for the benefit of the government. Sovereign citizens believe that they can access these accounts to pay for their personal

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debts through a process called "Redemption" which holds that citizens can separate themselves ("Sovereign Citizens") from their collateral shell established at birth ("The Strawman"). It is frequently said that through Redemption, the Sovereign Citizen can "free money from the Strawman". The method of separating oneself from the "defacto" or illegitimate government is a convoluted and illogical process, that has no basis in law or fact. That being said, this process is followed by adherents of the Sovereign Citizen movement as learned at for profit seminars or on the internet. First, individuals file documents with their respective State's Department of State to renounce their citizenship. These documents may include a UCC-1, a copy of a social security card/birth certificates. In addition, the Sovereign Citizen will file documents bearing strange and odd captions, such as "Declaration and Notice of Expatriation", "Notice of Sovereign Status by Common Law Affidavit or Termination", "Separation and Divorcement Affidavit". The filer requests the Secretary of State acknowledge the filing of the document and the Secretary of State then issues an apostille or authentication that the document is a true copy of the one filed. New York State's apostille is a one-page document with a blue laser printed facsimile of the State seal and the Secretary of State's signature. An apostille is intended for international use under the terms of the 1961 Hague Convention to authenticate documents for foreign use. Documents that are authenticated for legitimate purposes include birth, death and marriage

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certificates/licenses. Sovereign citizens misuse this process, however, to authenticate fraudulent passports, driver's licenses, license plates, law enforcement documents, credentials and the above-mentioned documents declaring sovereignty. Once Sovereign Citizen status is achieved, these individuals engage in a variety of efforts to exercise their new-found "citizenship". First, they establish their own governments or entities- vigilante, common law courts and grand juries are established. These so-called courts and grand juries issue bounties, arrest warrants, indictments and judgments. Next, these fraudulent governments issue birth certificates, marriage licenses, driver's licenses, vehicle registrations and other certificates and licenses to their "citizens". It is at this point that the Sovereign Citizen intersects and collides with the legitimate process of the State Court System.

Typically, the Sovereign Citizen will receive a uniform traffic ticket for an innocuous offense. If the defendant answers the charge by mail, his correspondence will contain language such as "Refused for Fraud; Violation of Due Process. Further, the defendant's return address will look peculiar. Some examples are:

John Doe  
c/o Non-domestic  
123 Main Street; near  
Buffalo, New York  
Zip Code Exempt

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John Doe  
1<sup>st</sup> Judicial District  
123 Main Street  
Buffalo, New York Republic of

John Doe, Sui Juris  
Postal Zone Exempt Non-Domestic  
c/o 123 Main Street  
Buffalo (u.S.A.)  
Near (14225)

Doe: John  
123 Main Street  
Buffalo, New York  
Postal Zone 14225 TDC

Many Sovereign Citizens believe that to use the official address format of the United States Postal Service is to contract with the illegitimate defacto government; therefore they use this bizarre and convoluted method for mail delivery. Additionally Sovereign Citizens use a unique punctuation style. They use punctuation, such as commas, colons, semi-colons and parentheses to separate their first and middle names from their last name. John Robert Doe will be styled as "John-Robert Doe" or "John Robert, (Doe)" or perhaps, "Doe: John Robert". An example of this use is set out below which is taken from a civil complaint filed in Federal District Court against a New York Justice Court Judge.

12. "Plaintiff's name is an English language proper noun.

A. Therefore, according to the rules of the English language, said name must at all times be

spelled with capital and lower case letters (as it is throughout this complaint).

B. According to the English language rules Proper nouns not properly capitalized are misspelled; and, Implications at law indicate spellings in the nature of all capital letters can only indicate dead persons or some fictitious business name or corporate capacity; and, Plaintiff is neither dead nor in corporate capacity.

Further documents will be notarized and oftentimes use red ink. Signatures may be followed by the words "Under Duress", "Sovereign Living Soul" (SLS) or a copyright symbol©, and are often accompanied by red thumbprints. They may also state "accepted for value". If the Court sees any peculiar uses of punctuation, grammar, or phrases, then In all likelihood the Court is dealing with a Sovereign Citizen.

The next tactic employed is to inundate the Court with voluminous filings. At seminars, Sovereign Citizens are charged a fee, oftentimes several hundreds of dollars, to learn methods of avoiding accountability and responsibility for a variety of matters including simple traffic tickets. At these seminars, CD's, DVD's and printed materials are sold containing a myriad of forms, pleadings and the like relating to the defense of criminal and vehicle and traffic charges. As a result, courts and prosecutors are faced with a dizzying array of strangely worded pleadings. Criminal Procedure Law Article 255 requires that pretrial motions addressing a variety of issues including jurisdiction, suppression and dismissal be contained in a single pleading. These motions are answered and responded to by the People represented by the County District Attorney or the



Town/Village Prosecutor. Don't allow the Sovereign Citizen to file motion after motion. A motion scheduled date should be set by the Court adhering to the time table set out by the Criminal Procedure Law. This schedule can be made on the record at an initial appearance when the parties are present or in writing by the Court. Keep in mind that Criminal Procedure Law Article 255 does not apply to traffic violations brought on by uniform traffic tickets. The procedure for handling these matters are set out in Article 45 of the Vehicle and Traffic Law. Attention is directed toward Section 1806 of Article 45 of the Vehicle and Traffic Law.

Initially the Court may be asked to produce multiple materials. Some of the materials requested must be produced, such as copies of the accusatory instrument(s) and copies of supporting depositions, 710.30 notices and access to audio recordings. The majority of the requested material, however, is usually just plain bizarre-such as the educational degrees conferred on the arresting officer and prosecutor, or a copy of the prosecutor's license to practice law, or the Judge's oath of office. Keep in mind, court records are not subject to FOIL (Freedom of Information Law) requests under Article 6 of the Public Officers Law but are subject to disclosure under Judiciary Law Section 255 and UJCA 2019-a which require that the Court Clerk must search files upon request, copy same and certify as to result.

Demands for discovery pursuant to Article 240 are the obligation of the Prosecutor, not the Court. These demand letters usually include the threat of criminal prosecution or the commencement of a suit in Federal District Court for failure to comply. Unfortunately these threats are oftentimes carried out. The Sovereign Citizen will often attempt to commence a criminal prosecution of the Town or Village Justice presiding over the original traffic matter and they will draft an accusatory instrument accusing the judge of a variety of crimes. These crimes can include criminal impersonation, tampering with public records, unlawful imprisonment and kidnapping. These accusatory instruments will be filed with the County District Attorney, the County Clerk and local Justice Court. Usually, the District Attorney or a Special Prosecutor will dismiss the charges and request the County Court Judge to grant seal orders pursuant to CPL Section 160.50(2).

Unfortunately, the filing of an action in Federal District Court by the Sovereign Citizen naming the Town or Village Court Justice is not so easily resolved. The Sovereign Citizen who is a defendant in Justice Court regarding a Penal Law or Vehicle and Traffic Law prosecution will oftentimes commence an action in Federal District Court naming the Judge as defendant. Again, it seems totally out of proportion to make a "federal case" out of a traffic ticket but this is the modus operandi of the Sovereign Citizen movement. The civil complaint is prepared by the Sovereign Citizen who appears pro se. The

complaint will contain the logic and reasoning of the Sovereign Citizen movement in all its bizarre and convoluted glory. Unfortunately, the complaint must be answered. Since the suit complains of acts performed by the defendant Judge acting in his capacity as an elected official of the municipality, the municipality should provide a defense. In other words, the municipality's Insurance carrier should retain counsel and defend the action. The Judge should not be made to expend his own monies to defend such a Federal action. It is well-settled that judges have absolute immunity from being sued for actions arising out of their judicial activities. Bliven v. Hunt, 575 F.3d 204 (2009) Ultimately these federal actions against judges are dismissed based on the absolute Immunity doctrine. But being the defendant in a federal action seeking money damages is extremely stressful and time consuming, of course, notwithstanding an ultimately favorable outcome.

The Sovereign Citizen/defendant in Justice Court will oftentimes also file a complaint with the Commission on Judicial Conduct. It is interesting to note that in dealing with this agency, the Sovereign Citizen will not resort to bizarre use of grammar, language or reasoning. A Judge who is the subject of a complaint and investigation by the Commission must appropriately and timely respond to the Commission's inquiries. It must be remembered that although Sovereign Citizens do not respect the rule of law, the Court itself must and it must protect and respect the rights of all.

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Lastly, when all else fails the Sovereign Citizen/defendant may resort to outright criminal behavior to settle his grievances with the Judge. He will resort to "paper terrorism", the use of bogus legal documents to exact retribution. The most common tactic is the filing of bogus judgments and liens. At this time, New York State does not have a law specifically protecting Judges from this practice. However, help is on the way. State Senator Michael Ranzenhofer has sponsored a bill to amend Penal Law Section 175.35 which law would make it a felony to file a false lien or encumbrance against the real or personal property of a public officer or employee. As stated by Senator Ranzenhofer in his sponsor memo, "More and more frequently, public officials and employees, particularly judges, are discovering that disgruntled citizens and defendants have resorted to fraudulent law suits in an effort to punish and harass such officials, or to try to intimidate and unlawfully affect the actions and decisions of such officials and employees. Such fraudulent filings subvert our governmental functions and our courts and can lead to thousands of dollars in costs and many hours of anxiety for officials and employees who are simply trying to do their jobs." This proposed amendment is not yet law though, and judges are still at risk regarding the use of these tactics.

Sovereign Citizens have also filed fraudulent documents with the IRS targeting Judges. These documents include IRS-8300 and FinCen Form 104. The first form alerts the IRS to business transactions when more than \$10,000.00 in cash is exchanged; the latter form is legitimately used by banks to report currency transactions in excess of \$10,000.00 cash. By filing such

documents they hope to cause the IRS to investigate and audit the Judge-  
another tactic of pure harassment.

### SUGGESTIONS

1. Upon first indication that the Court is dealing with a Sovereign Citizen, review this material.
2. When dealing with a Sovereign Citizen, remain calm and adhere to the Code of Judicial Conduct. 22 NYCRR 100 et seq
3. Remember your role and the People's role.
4. If applicable, set a discovery and pretrial motion schedule.
5. Don't take the bait. Holding a Sovereign Citizen in contempt is a last resort. Follow all procedures and make sure all proceedings are on the record.
6. Don't take the bait. Ordering a forensic evaluation of a Sovereign Citizen is an extreme measure and may not be applicable if the charge is not criminal.
7. If Indicated, alert appropriate law enforcement to provide security when court is in session and the Sovereign Citizen's matter is on the docket.
8. If paper terrorism is threatened or even suggested, be sure to run a credit history or at a minimum a judgment search on yourself.

The FBI has labeled Sovereign Citizens domestic terrorists. These individuals cannot be dismissed as merely harmless kooks. Since 1990, domestic right-wing extremists murdered 51 law enforcement personnel. It will be only through education and a concerted effort that these extremists be recognized and thwarted.

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Respectfully submitted,

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## RESOURCES

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