

Paper Terrorism: Religion, Paperwork, and the Contestation of State Power in the “Sovereign Citizen” Movement
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Citizenship, for all of its ideological and political entailments, is in many ways an aggregated, material phenomenon.¹ That is, at its root, modern citizenship is predicated on the ability of a governed subject of state power to produce a complex secession of documentary traces that witness to the subject’s entanglement with state and nonstate bureaucratic agencies. From the birth certificate—the originary and essential document for most forms of modern citizenship—to the credit score—the documentary essence of *homo economicus*—the status of the modern citizen-subject is intimately entwined with myriad bureaucratic forms, files, and digital bits that register a citizen’s competing and complimentary social, cultural, economic, and political characteristics.

Interest in paperwork, documents, bureaucracy, and filing techniques has increasingly captured the attention of historians, anthropologists, and literature scholars precisely because these topics have been largely overlooked in the past while, simultaneously, the material residue of official paperwork is an increasingly omnipresent modern phenomenon that a savvy researcher can exploit. Whether in the form of declassified (or illegally leaked) government dossiers, or corporate files released as part of an official public disclosure or delivered to the public through a bankruptcy filing, bureaucratic paperwork and its ubiquity make it an easy and

¹ In this essay, I make no attempt to offer any sort of definitions of “citizen,” “citizenship,” or “religion.” I realize this is scholarly maleficence on my part. I apologize in advance. To make matters worse, this paper isn’t really about “religion” at all. Again, apologies for the bait and switch.

essential source for researches.² Scholars of religion—with some notable exceptions as in the recent work of Sylvester Johnson and Judith Weisenfeld—have been slow to recognize the significance of the so-called “archival” or “bureaucratic turn” emerging in other areas in the humanities.³

This paper takes up the problem of paperwork and techniques of documentation practiced in religious movements to explore the complex relationship between the material production of citizenship and religious practice in the contemporary United States. It takes as its focus the problem of the “sovereign citizen” movement in the United States and its network of politically affiliated anarchists and anti-government activists in the wider Anglophone world. A political movement with deep—and seemingly paradoxical—roots in both white rightwing racist theologies and separatist African Americans movements associated with the Moorish Science Temple, sovereign citizens use sophisticated bureaucratic techniques to resist normative understandings of citizenship. Through alternative systems of record-keeping, counter-surveillance methods, combative litigation, and efforts to avoid generating paperwork in the first

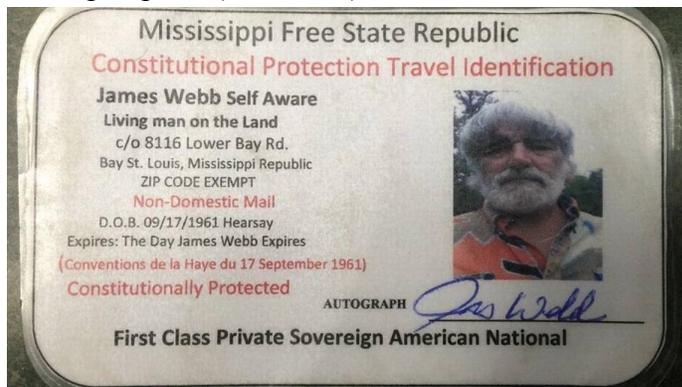
² This essay seeks to synthesize American religious historians’ abiding interest in business practices and corporations with the new “archival turn” emerging in anthropology and cultural studies. The “archival turn” attends to the forms of information collected by states, corporations, and other systems of bureaucratic surveillance by studying the material mechanisms and cultural practices used to create, preserve, and distribute these records. See Matthew S. Hull, “Documents and Bureaucracy,” *Annual Review of Anthropology* 41 (2012): 251–67; Paul N. Edwards et al., “AHR Conversation: Historical Perspectives on the Circulation of Information,” *American Historical Review* 116, no. 5 (December 2011): 1393–1435; Bruno Latour, *The Making of Law: An Ethnography of the Conseil d’état* (Malden, MA: Polity, 2013); and, Lisa Gitelman, *Paper Knowledge: Toward a Media History of Documents, Sign, Storage, Transmission* (Durham, NC: Duke University Press, 2014).

³ See Sylvester A. Johnson, *African American Religions, 1500–2000* (New York: Cambridge University Press, 2015); and, Judith Weisenfeld, *New World A-Coming: Black Religion and Racial Identity during the Great Migration* (New York: NYU Press, 2017).

place, so-called sovereign citizens attempt to disrupt the state’s ability to regulate their behavior, even as such resistance prompts more intensive and coercive actions on the part of state agencies. By focusing on the explosion of litigious and bureaucratic paperwork associated with the sovereign citizenship movement, this paper ultimately challenges conventional attempts in religious studies to frame political resistance movements such as sovereign citizens in terms of their unique religious worldviews, and instead emphasizes how these movements are perhaps best understood as by-products of state and corporate activities rather than autonomous manifestations of some deeper human search for religious or spiritual meaning.

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Although the sovereign citizen movement has been increasingly associated with violent antigovernment extremism in the form of aggressive resistance to federal land policy in the West and Moorish violence against (mostly) municipal and county law enforcement officers, this large, defuse movement is still singularly associated with the nonviolent legal tactics authorities have dubbed “paper terrorism.” Paper terrorism is generally marked by the issuance of property liens, the aggressive use of illegal or extralegal court filings, efforts to enforce sovereign-issued arrest warrants, the printing of homemade or nongovernment-backed currencies, and the creation of personal diplomatic paperwork, drivers’ licenses, and passports (see below).⁴ The roots and



⁴ For a summary of “paper terrorism” as defined by federal attorneys and law enforcement, see Jen E. Ihlo and Erin B. Pulice, “Prosecuting Tax Defier and Sovereign Citizen

the rationale behind the issuance of all of this alternative legal paperwork are complex. Some sovereign citizens argue that sometime in the years immediately following the Civil War, a new legal regime illegally usurped the English common-law system established by the Founding Fathers in the U.S. Constitution. Sovereign theorists in this tradition argue that federal Reconstruction of the South and the ratification of thirteenth, fourteenth, and fifteenth amendments to the constitution illegally impressed formerly free white citizens into the service of a secret government administered by Admiralty Law. The clandestine imposition of this maritime legal system effectively transformed all free whites into the property of the federal government. Other sovereign theorists, as legal scholar Charles E. Loeser summarizes, argue that the United States' departure from the gold standard in 1933 established a new legal and financial regime in which the federal government "began using its citizens as collateral in trade agreements with foreign nations."⁵ To administer this shadow banking system, the U.S. Treasury established "an account for each citizen at birth and pledges some amount of money on that account. This securitization creates two separate identities—the corporate account, or 'strawman,' and the 'common-law,' or core identity."⁶ Sovereign theorists therefore reject any federal documentation as representations of their collateralized "strawman" identity, and they seek to "redeem" their "flesh-and-blood" identity, often by trying to claim the value of their

Cases - Frequently Asked Questions Tax Enforcement I," *United States Attorneys' Bulletin* 61 (2013): 45–57; and Domestic Terrorism Operations Unit II, "Sovereign Citizens: An Introduction for Law Enforcement," November 2010, http://www.mschiefs.org/wp-content/uploads/2012/05/Sovereign_Citizens_Intro_For_LE.pdf.

⁵ Charles E. Loeser, "From Paper Terrorists to Cop Killers: The Sovereign Citizen Threat Comment," *North Carolina Law Review* 93 (2015): 1121.

⁶ Charles E. Loeser, "From Paper Terrorists to Cop Killers: The Sovereign Citizen Threat Comment," *North Carolina Law Review* 93 (2015): 1121.

“strawman” account through tax fraud and property liens, or by insisting on copyrighting their name and “flesh-and-blood” identity.

Both the “Admiralty Law” and the “Redemption” theories of sovereignty—or some combination of the two—have led to an explosion of resistive bureaucratic techniques designed to overwhelm courts, confuse banks, intimidate local officials, and clog federal agencies with—by turns—clever, silly, and flagrantly illegal filings. In the wake of the 2008 financial crisis the problem further expanded as sovereigns used liens and other tactics—including squatting and violence—to claim or retain foreclosed property.⁷ By the early 2000s, twenty-seven states had passed laws designed to curb sovereign citizens’ “paper terrorism” tactics, and the number has continued to increase as more and more states recognize sovereign filings as a threat to the United States’ judicial, political, and financial systems.⁸

When scholars of religion have explored the bureaucratic tactics of sovereign citizens, they have tended to fall into two camps. First, following the work of political scientist Michael Barkun, scholars have tended to frame sovereign paper terrorism as an alternative, but nonetheless patently fraudulent legal framework designed to “monkey-wrench” the U.S. judicial and financial systems. “Conceptually,” Barkun writes, sovereign citizens live “in a parallel legal

⁷ Anecdotal evidence of the explosion of sovereign “paper terrorism” tactics abound in the wake of the 2008. Most of the coverage has been in regional business journals that document local reality market conditions. See, for example, Clay Chandler, “‘Paper Terrorism’: Squatters, Part of a National Movement, Descend upon Greenville,” *Mississippi Business Journal* 30(37) September 12, 2011, 1, 23; Jeff Collins, “Sovereign Citizens Inspire Rise in Real Estate Filings,” *Orange County Register*, November 26, 2012, <https://www.ocregister.com/2012/11/26/sovereign-citizens-inspire-rise-in-real-estate-filings/>; and, Erica Goode, “In Paper War, Flood of Liens Is the Weapon,” *The New York Times*, August 23, 2013, sec. U.S., <https://www.nytimes.com/2013/08/24/us/citizens-without-a-country-wage-battle-with-liens.html>.

⁸ Robert Chamberlain and Donald P. Haider-Markel, “‘Lien on Me’: State Policy Innovation in Response to Paper Terrorism,” *Political Research Quarterly* 58, no. 3 (2005): 452.

universe, holding to the view that conspiratorial forces have hijacked the government and the legal system to strip Americans of their rights.”⁹ Whether they act out of stubborn, principled defiance, or naked financial opportunism, Barkun understands sovereign citizen activity much as law enforcement officials do: sovereign “paper terrorism” poses a legitimate threat to law and order and must be constrained by the force of law and the American justice system. In marked contrast to Barkun, religious historian Catherine Wessinger suggests a more complicated and generous reading of the “paper terrorism” techniques of sovereign citizens. In her study of the sovereign-affiliated Montana Freeman movement of the 1990s, Wessinger identifies sovereign citizen ideology as a nativist movement that “appropriate[s] the enemy’s power by imitating their actions and their use of words possessing power.”¹⁰ Through Wessinger’s comparative schema, sovereign citizens are best understood as nativists resisting encroaching colonial forces, not unlike Sioux Ghost Dancers on the Great Plains during the 1880s or the Cargo Cults of the Pacific after the Second World War.¹¹ Religion scholar Spencer Dew has developed Wessinger’s insights in his study of contemporary sovereign Moorish legal theory. For Dew, Moorish sovereign citizen legal theorists interpret “[i]nteractions in court or confrontations with police” through a magical “feedback loop” in which the law is understood as having the “transcendent efficacy” to shape reality.¹² Echoing Sir James George Frazer’s classic theory of “sympathetic

⁹ Michael Barkun, *A Culture of Conspiracy: Apocalyptic Visions in Contemporary America*, 2nd ed., *Comparative Studies in Religion and Society* 15 (Berkeley: University of California Press, 2013), 197.

¹⁰ Catherine Wessinger, *How the Millennium Comes Violently: From Jonestown to Heaven’s Gate* (New York: Seven Bridges, 2000), 169.

¹¹ Jean E. Rosenfeld develops and elaborates on Wessinger’s point in “Nativist Millennialism,” *The Oxford Handbook of Millennialism*, ed. Catherine Wessinger (Oxford University Press, 2016).

¹² Spencer Dew, “‘Moors Know the Law’: Sovereign Legal Discourse in Moorish

magic” both Wessinger and Dew argue that the magical efficacy of “paper terrorism” rests on, in Frazer’s words, “the principle that like produces like.” This magical model suggests that the sovereign activist engages in “deliberate imitation of the result he seeks to attain”—in this case a legally recognized and legitimate alternative political status—by mimicking or appropriating state bureaucratic techniques, and also by “scrupulously avoid[ing]” outcomes “which would really be disastrous,” such a being enslaved by Admiralty Law.¹³

Without completely dismissing Wessinger’s and Dew’s focus on the “magical thinking” of sovereign “paper terrorism,” I want to suggest another route that avoids the temptation to read this movement as some *sui generis* autochthonous expression of human longing for freedom from colonial domination. Rather than cycling through a succession of well-worn comparative categories used in religious studies (such as nativist revivalism, magic, ritual, and so on), I would instead like to focus on the way state officials and court officers have responded to the “paper terrorism” tactics of sovereign citizens. I believe this is useful for two reasons. First, the “magical” paradigm (whether intended or not on the part of scholars) insists on a *prima facie* dismissal of the legitimacy of sovereign paperwork—an assumption that state agencies themselves do not and cannot make. Indeed, the problem with “paper terrorism” is not that it is always patently fraudulent, but that it forces state bureaucratic regimes to assess the paperwork before drawing any particular conclusions about it. In many cases, such as in the case of property liens, even if the paperwork is fraudulent, the state still must engage it before rejecting its legal

Science Religious Communities and The Hermeneutics of Supersession,” *Journal of Law and Religion* 31, no. 1 (March 2016): 72.

¹³ James George Frazer, *The Magic Art and the Evolution of Kings*, 3rd ed., vol. 1, 2 vols., *The Golden Bough: A Study in Magic and Religion* (New York: St. Martin’s Press, 1966), <http://hdl.handle.net/2027/pst.000029417995>, 85.

merits. This suggests that there is nothing homeopathic or sympathetic about “paper terrorism.” In fact, the opposite is true: sovereign citizens deploy this paperwork because it works in a very practical way by *occasionally* yielding the very financial, bureaucratic, and legal outcomes they seek.

Second, and much more importantly, the magical paradigm is rooted in the temptation to see state agencies and their affiliates as the sole sources of official documentation, paperwork, and bureaucratic production. This is, of course, a deeply problematic assumption that allows the state-form to precede all other forms of political, social, cultural, and governing authority. Historically, state bureaucracies have simply been one among many competing issuers of authoritative public documents. Churches, corporations, benevolent societies, and other social and political bodies have all laid claim to the ability to issue authoritative paperwork. Sometimes this authority comes with the blessing of the state, while other times it generates conflict and friction with state agencies. In instances of legal ambiguity, it is the state that is frequently the appropriator of other bureaucratic forms as it seeks to make its citizens legible for the purpose of governing them.

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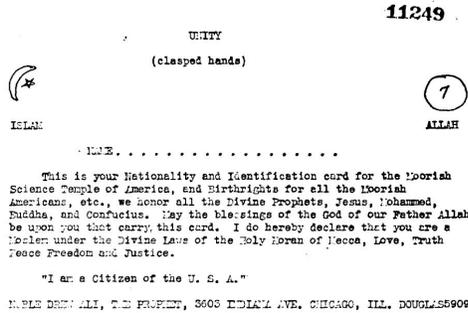
Before turning to contemporary examples of “paper terrorism” and state responses to it, I want to look at what law enforcement might regard as a proto-form of sovereign tactics: the issuance of “Nationality and Identification Cards” by the Moorish Science Temple of America (MSTA). These cards provide an interesting entry point into sovereign citizen bureaucratic practices because, first, they underscore how the scholarly focus on white sovereigns has neglected the longer history of the movement and ignored the complex role Black activism has played in shaping contemporary forms of white nationalism. Second, in the 1930s and 40s,

federal authorities regarded the generation of alternative and resistive bureaucratic systems of recording, archiving, and using paperwork as one of the primary dangers of MSTA. For example, a number of scholars have pointed out that the Bureau of Investigation (BI), the predecessor agency of today's Federal Bureau of Investigation (FBI), originally identified the MSTA as a national security threat precisely because it promoted an alternative "olive" Asiatic Moorish ethnic and racial identity that undermined the ability of state agencies to regulate "black" African American bodies through Jim Crow-era segregation laws, Selective Service enrollment, and other legally required registration processes that collected information about race, religion, and ethnic identity.

For the Bureau of Investigation, MSTA's issuance of Nationality Cards represented the radical implications of the movement's racial politics. Why? Certainly not because of the bureau's agents cared very much about the religious ideas underlying the cards, but because MSTA members presented the IDs in public as an official document attesting to their U.S. citizenship and full membership in the American body politic. In the 1930s, agents from the BI took an interest in MSTA Nationality Cards because they represented a threat to local segregation laws and federal registration regulations, and because they might have the effect of encouraging the mixing of races. A BI memorandum summarizing an interview with an MSTA recruiter identified only as "Bey" in the redacted documents summarized the purpose of the cards:

These cards are supposed to identify the bearer as a descendant of the Moors and the writing thereon pays homage to Allah, Budda [sic.], and the other divine prophets, refers to Mecca in reverent terms, and contains a statement concerning the equality of all races. Agent [redacted] learned that the members are assured that they can identify themselves

with these cards at any hotel or eating place throughout the United States, and be assured every courtesy and equal privileges with other races.¹⁴



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The perplexed interviewing agent concluded, “Bey has all of the appearance and characteristics of a full blooded negro.” Further, he advised that Bey “is a fanatic on the subject of equality for all races, and is attempting to promote and carry on the Moorish Science Temple of America for propaganda purposes.”¹⁵ Bey allowed the agent to inspect his card but refused to let him to take

¹⁴ Memorandum from Rhea Whitley to [J. Edgar Hoover] Director of Bureau of Investigation, September 12, 1931, Bureau of Investigation file number 62-25889, Subject: Moorish Science Temple of America (Noble Drew Ali), serial 1, page 3; hereafter cited as BI file no. 62-25889. This Administrative Inquiries (Miscellaneous Subversive and Non-Subversive) file and all subsequent citations from it have been released through the Freedom of Information and Privacy Acts and are available online at “Moorish Science Temple of America,” *FBI Records: The Vault*, <https://vault.fbi.gov/Moorish%20Science%20Temple%20of%20America> (accessed September 4, 2018).

¹⁵ Memorandum from Rhea Whitley to [J. Edgar Hoover] Director of Bureau of Investigation, September 12, 1931, BI file no. 62-25889-1, page 3.

it. In turn, the agent “managed to secure a description and exact copy of the wording”¹⁶ and produced a typescript replica of the card complete with hand sketched crescent-moon-and-star insignia (see above).

The agent’s interest in the card was directly tied to the idea that it provided Bey and any MSTTA member with a bureaucratic mechanism for challenging Jim Crow-era segregation laws and a way of legitimizing claims to a Moorish or Asiatic ethnicity on official documents. By attesting to the Moorish identity of their bearers, these Nationality Cards might either subvert local segregation policies or lead to conflict with business owners and federal registering authorities. On occasion during World War II, MSTTA members used their Nationality Cards to assert conscientious objector status before draft boards around the country, sometimes successfully petitioning for non-combatant service.¹⁷

While not “paper terrorism” as the phrase may be understood today, the MSTTA membership cards anticipate much of the contemporary angst over such alternative bureaucratic techniques. The danger was that these documents might be accepted by others as legitimate. As a consequence, the bureau and other federal and local agencies sought to regulate their use for identification purposes and to delegitimize any legal claims to equality their bearers might make. In this manner, MSTTA Nationality Cards did not represent a battle between “magical” nativists and “legitimate” legal discourses. Nor did they mark a simplistic “appropriation” of state bureaucratic forms by religious adherents. Such distinctions presume the very boundaries the BI

¹⁶ Memorandum from Rhea Whitley to [J. Edgar Hoover] Director of Bureau of Investigation, September 12, 1931, BI file no. 62-25889-2.

¹⁷ For a summary of the various conscientious objector status cases associated with the MSTTA and their outcomes, see Judith Weisenfeld, *New World A-Coming: Black Religion and Racial Identity during the Great Migration* (New York: NYU Press, 2017), 220-221.

and the MSTA were fighting to create, not ones that existed before the bureaucratic conflict itself.

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On July 17, 2016, Cosmo Ausar Setepenra (AKA Gavin E. Long), a twenty-nine-year-old former Marine and self-identified Moorish sovereign citizen ambushed and shot six police officers outside a convenience store in Baton Rouge, Louisiana.¹⁸ Three of the officers died of their wounds. SWAT officers eventually surrounded the masked, black-clad, and heavily armed Setepenra and killed him. When law enforcement retrieved his body using a bomb squad robot, they discovered a Washitaw Nation membership card in Setepenra's possession.¹⁹ During the 1970s, the Washitaw Nation grew out of the wider Moorish Science Temple movement as a dissident group dedicated to asserting the sovereignty of Moors as a distinct Native American tribe in the United States. Unlike conventional MSTA teaching that insists on the U.S. citizenship of all Moors, the Washitaw Nation diverged sharply with Noble Drew Ali's ideas. Under the leadership of Empress Verdiacee Tiari Washitaw Turner Goston El-Bey (also known as, Verdiacee Hampton Goston), Washitaw adherents insist that some African Americans are descendants of an ancient tribe of Africans that settled in the Americas and retain sovereign rights to an ancient homeland that spans modern Louisiana, Missouri, and Arkansas.²⁰ Washitaw

¹⁸ Bart Jansen, "3 Police Officers Fatally Shot in Baton Rouge; Dead Suspect Identified," *USA TODAY*, July 17, 2016, <https://www.usatoday.com/story/news/2016/07/17/reports-baton-rouge-police-officers-shot/87218884/>; and, Jon Swaine, "Baton Rouge Suspect Gavin Long Was Marine with Alias Cosmo Setepenra," *The Guardian*, July 18, 2016, sec. US news, <https://www.theguardian.com/us-news/2016/jul/17/baton-rouge-gunman-gavin-e-long-cosmo-setepenra-marines>.

¹⁹ Ken Stickney, "Baton Rouge Shooter May Have Embraced Bizarre Outlook," *The Daily Advertiser*, July 17, 2016, <https://www.theadvertiser.com/story/news/2016/07/17/baton-rouge-shooter-may-have-embraced-bizarre-outlook/87234938/>.

²⁰ Verdiacee Washitaw-Turner Goston, *Return of the Ancient Ones: (The True History*

sovereigns began using “paper terrorism” to issue property liens and “strawman” filings to secure, according to one press account, a “30 million-acre empire” in the South.²¹

The Washitaw Nation adopted tactics popularized by the most commonly cited “paper terrorism” innovators of the sovereignty movement: the Sheriff’s Posse Comitatus (SPC). The SPC, a militant, white nationalist group, emerged in the American West in the 1970s as a complex, decentralized antigovernment movement protesting federal taxes, resisting federal management of Western lands, and dedicated to fighting the U.S. banking industry—especially mortgages and other instruments that they believed undermined private property. Many of the key leaders of the SPC associated with the Christian Identity movement, a violently anti-Semitic Christian theology that teaches Jews are the offspring of Satan and all other nonwhite minorities are subhuman animals or demonic beasts.²² Identity Christians’ view of white religious identity fed off a host of anti-Jewish ideas regarding the nature of the U.S. Federal Reserve system, and Identity beliefs helped fuel the rise of a number of white nationalist terrorist organizations, including the Aryan Nations, the Order, and the Covenant, Sword, and Arm of the Lord. Leaders in the Posse Comitatus movement generated many of the core theories of sovereign citizen ideology—including the Admiralty Law and Strawman theories of the shadow U.S. government—that spawned the popular techniques of “paper terrorism” used today. Through the

Uncovered) of the Washitaw de Dugdahmoundyah Empire (Chicago, Washitaw Province: Washitaw Publishing Company, 1993).

²¹ “Recalling the FBI Raid of Late Washitaw Nation Leader’s Home,” *The Franklin Sun*, March 2, 2014, http://www.hannapub.com/franklinsun/recalling-the-fbi-raid-of-late-washitaw-nation-leader-s/article_de819b14-d233-11e3-91b9-001a4bcf6878.html.

²² The best single volume introduction to the Christian Identity movement and its relationship to groups like Posse Comitatus is Michael Barkun, *Religion and the Racist Right: The Origins of the Christian Identity Movement* (Chapel Hill: University of North Carolina Press, 1997).

Citizen's Law Enforcement and Research Committee (CLERC), Henry L. Beach and a number of other early leaders in the SPC published documents calling for, in the words one FBI memorandum, "the establishment of a posse in each county to assist the only legitimate law enforcement authority, the county sheriff, in combating the unlawful acts of others, particularly those of federal and state officials."²³ These sheriff's posses would arrest federal agents and local officials, try them in "common law courts," and reestablish the common law Christian Republic originally envisioned by the U.S. founders. Through a series of seminars, CLERC began teaching sovereigns how to issue tax liens on local officials, frequently targeting the homes and property of sheriffs, judges, and other law enforcement officials.

In the 1970s and the 1980s, the FBI used conventional surveillance methods to trace the activities of SPC sympathizers. Most commonly, agents staked out meetings and recorded the license plate numbers of all vehicles present at an event. Through simple visual surveillance, the bureau built a large list of SPC-affiliated activists, tax-protestors, and fellow travelers. Many of the attendees made the bureau's job easier by affixing bumper stickers, decals, or logos that further associated their vehicles with the tax-resistance movement. Increasingly, as this weakness became obvious, SPC-affiliated organizers and activists who had a long-stated hostility to federal and state licensing, began a systemic push to reject licensing procedures and to develop their own alternatives.

By the 1990s, sovereign citizens of all persuasions were not only issuing their own liens and other financial documentation, but they were also generating their own diplomatic papers, licenses, and other forms of identification. The "paper terrorism" associated with property liens

²³ NITEL [night teletype] from Portland, Oregon, Field Office, re: Sheriff's Posse Commitatus, May 1, 1976, Federal Bureau of Investigation file no. 157-33487, Subject: Sheriff's Posse Commitatus, serial 331, page 2.

and “strawman” tax filings frequently resulted in temporary bureaucratic victories of SPC-affiliated sovereigns. When issued correctly, the liens could take decades for courts or law enforcement to recognize and then result in years of legal wrangling to remove, often times destroying credit ratings and requiring expensive legal remedies for their targets.²⁴ More astoundingly, “strawman” tax filings regularly made it through the Internal Revenue Service, with some sovereigns receiving hundreds of thousands of dollars in tax returns before audits recognized the error.²⁵ In contrast to the sometimes-successful slow-burn of procedural “paper terrorism” techniques, the emergence of alternative licensing and identification mechanisms has proven more likely to spark violent conflict with law enforcement agents. As early as the 1970s, FBI agents noted that antigovernment agents associated with the SPC had begun refusing to use state-issued identification documents and licenses to identify themselves during interactions with law enforcement. The heightened tension produced by such refusal often escalated events like routine traffic stops into violent altercations. By the 1990s, however, homemade licenses and IDs further confused such interactions and made them increasingly more dangerous for both sides. In a recent, highly controversial threat assessment of “Black Identity Extremism,” the FBI concluded—against the mountain of evidence to the contrary—that “although non-Moorish [Sovereign Citizen Extremists] have committed lethal violence against law enforcement in the past, this violence has typically occurred in response to encounters with law enforcement—for example, during traffic stops or the issuing of warrants—rather than through premeditated,

²⁴ Erica Goode, “In Paper War, Flood of Liens Is the Weapon,” *The New York Times*, August 23, 2013, sec. U.S., <https://www.nytimes.com/2013/08/24/us/citizens-without-a-country-wage-battle-with-liens.html>.

²⁵ Joshua P Weir, “Sovereign Citizens: A Reasoned Response to the Madness,” *Lewis & Clark Law Review* 19, no. 3 (2015): 830-834.

targeted aggression.”²⁶ While the bureau’s assessment neglected instances of large-scale premeditated violence perpetrated by white sovereigns—ranging from recent land disputes with the Bundy family of Nevada to Andrew Joseph Stack crashing a Piper Dakota aircraft into an Austin, Texas, IRS field office—the basic point of the assessment was correct: alternative citizenship documents are leading to more violent, defensive interactions with law enforcement agencies. But the cutting-edge of sovereign citizen bureaucratic innovation is no longer in “paper terrorism” but, instead, the total lack of the “paper” itself.

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If there is anything “magical” about the sovereign citizen movement and the practices driving it, it is that it underscores the essential fragility of citizenship in the contemporary United States. Whether read through the lens of contemporary battles over “illegal immigration” or through recent high-profile police shootings of African American men and boys, the sovereignty movement highlights that a growing number of Americans see little-to-no value in the legal framework and security bestowed by citizenship. Even if the movement has its roots in white men rejecting their citizenship as a backlash against the Civil Rights reforms of the 1950s and 1960s and economic downturn of the 1960s and 1970s, today it is increasingly detethered from this context as white evangelicals, Moorish Americans, fundamentalist Mormons, and any number of other groups seek sovereign status for themselves and their children.

As sovereignty has grown into an underground network of religious communities, political ideologues, and racially and ethnically motivated separatist groups, the “paper terrorism” that has troubled state agencies in recent years has begun to mutate. Suddenly, and

²⁶ Federal Bureau of Investigation, Counterterrorism Division, “Black Identity Extremists Likely Motivated to Target Law Enforcement Officers,” Federal Bureau of Investigation Intelligence Assessment, August 3, 2017, 6.

almost wholly without precedent in contemporary society, a number of sovereign children have become identifiable as legal, social, and political problems for state governments. No longer producers of alternative paperwork to attest to their sovereign status, these children have no bureaucratic traces of their existence. They are illegible to the state; unknown, uncountable, and potentially ungovernable. They are only recognizable when, by either accident or intention, they come before a state agency and contest their sovereign status.

Illustrative of this new problem is the case of Alecia Faith Pennington. Pennington, born on November 26, 1995, and raised in Texas, became a viral YouTube video sensation in 2015 when she used the streaming platform to ask viewers to help her prove her existence as a citizen and subject of Texas and the United States.²⁷ Pennington was born at home with the aid of a midwife. Her parents and the midwife never filed for her birth certificate. Her parents homeschooled her and her siblings; her father refused to allow her to be vaccinated or receive routine medical checkups; and, she never had a bank account, Social Security card, or any form of health or life insurance.²⁸ When she left home at the age of eighteen and rejected her parents' fundamentalist Baptist faith and their sovereign-citizen-inspired political ideas, she was shocked to learn that she could not prove her citizenship status and that her parents had purposefully and skillfully made establishing her legal existence nearly impossible.²⁹

²⁷ Alecia Pennington, "19 Year Old Girl Can't Prove Her American Citizenship," *YouTube*, February 9, 2015, https://www.youtube.com/watch?time_continue=8&v=CPTpKNya00U.

²⁸ David Mikkelson, "Help Me Prove It," *Snopes*, February 12, 2015, <https://www.snopes.com/news/2015/02/12/show-me-my-papers/>.

²⁹ For an account of the Pennington's relationship to sovereign citizen ideology, listen to "The Girl Who Doesn't Exist," *Radiolab* (NPR, August 29, 2016), <https://www.wnycstudios.org/story/invisible-girl/>.

Within the homeschooling community, Pennington’s case became a paradigmatic case of “Identification Abuse,” or “ID abuse.”³⁰ Groups such as Coalition for Responsible Home Education, Homeschoolers Anonymous, and Homeschool Alumni Reaching Out define “ID abuse” as, “Not providing you with, withholding, or destroying any of your identification documents: driver’s license, social security card, etc.” Of the small number of homeschooling alumni self-reporting ID abuse, a Homeschool Alumni Reaching Out report concluded, “birth certificates were the document most commonly not possessed. 29% of respondents did not possess a birth certificate whereas 25% did not possess a Social Security card.”³¹

When Pennington sought to establish her status as a U.S. citizen, her lawyer determined that the State of Texas would recognize three different proofs of her birth in the state and use those records to establish her “natural born” status. Evidence could include records from church rituals—baptisms, christenings, conformations, and so on—or bank records, such as her name on

³⁰ Homeschool Alumni Reaching Out, *A Complex Picture:*

Results of a 2014 Survey of Adult Alumni of the Modern Christian Homeschool Movement—Installment 9: Abuse, April 1, 2016, 18
<<https://hareachingout.files.wordpress.com/2016/04/haro-installment-9-abuse.pdf>>.

³¹ Homeschool Alumni Reaching Out, *Identity as Means of Control: Results from the 2015 Survey of Identification Abuse Within Homeschooling*, February 18, 2015, 2
<<https://hareachingout.files.wordpress.com/2015/02/results-from-the-2015-survey-of-identification-abuse-within-homeschooling.pdf>>. It is worth noting at this point that the birth certificate itself began its history as a non-state issued document. In the United States, the idea of registering and certifying births emerged from the American Progressive movement as a means of, in the words of historian Sarah Igo, “lowering infant mortality, ending child labor, ensuring compulsory education, and barring interracial mixing” (Sarah E. Igo, *The Known Citizen: A History of Privacy in Modern America* [Cambridge, MA: Harvard University Press, 2018], 396 n.28). Over the course of the twentieth century, states and the federal government began to formalize and standardize the registration of births and use birth certificates to track the vital statistics of citizenship. See Shane Landrum, “The State’s Big Family Bible: Birth Certificates, Personal Identity, and Citizenship in the United States, 1840-1950” (Ph.D., Brandeis University, 2014), <https://search.proquest.com/docview/1616758682/abstract/C9E09691E4E94F3APQ/1>.

a savings or checking account. Likewise, the state would consider dental, vaccination records, or other medical reports that included some reference to her residence and an indication of her birth date. A notarized affidavit from a witness to her birth could also count as one of the three forms of proof of long-term residence in the state. In short, the state would allow Pennington to bootstrap her way into citizenship by cobbling together a host of non-state forms and records as testifying to her legal person-ness under Texas and, ultimately, federal law.³²

After a year of work and official pressure on her parents to provide missing documentation, Pennington petitioned for and received a delayed birth certificate attesting to her natural-born citizenship status. Her parents had refused to sign an affidavit attesting to their knowledge of her “date of birth, place of birth, and parentage.” Pennington’s case led the Texas legislature to pass and Governor Greg Abbott to sign House Bill 2794, a law that expanded the legal options for children like Pennington and that also made it a misdemeanor for parents to withhold the requested documentation to a child. Her case underscores the limits of the state’s ability to register new citizens when parents or other interested parties actively seek to avoid its oversight and opt for alternative or resistive bureaucratic methods of record keeping.

Conclusion?

[I’m still thinking it through. I have until November, right? I’m trying to consider the relationship between vigilante violence, the concepts of autonomous/responsible citizenship drawn from criminology and sociology. But here’s a basic outline of what I’m thinking.]

Pennington’s case and hundreds of others like it point to the relationship between religious attempts to resist state power by generate alternative bureaucratic regimes. While her

³² “The Girl Who Doesn’t Exist,” *Radiolab* (NPR, August 29, 2016), <https://www.wnycstudios.org/story/invisible-girl/>.

parents' form for "paper terrorism" relied on denying the state the ability to name and claim their daughter through paperwork, their strategy did not completely reject paperwork. Throughout her life, she left traces in church proceedings, homeschooling records, and private voluntary societies. None of these records, however, met the state's minimum standards for making her legible and regulatable. In this sense, the extreme expression of "sovereign citizenship" practiced by Pennington's parents, modern Moors, and many other groups might be best conceptualized as a form of "autonomous citizenship." In contrast to state-sponsored and endorsed forms of "responsible citizenship," criminologist Les Johnston defines "autonomous citizenship" as, "at it is a voluntary activity engaged in by 'active citizens' (private voluntary agents) without the state's authority or support."³³ The techniques of "paper terrorism" emerge from an autonomous impulse to reject the material constraints of responsible citizenship and generate alternative bureaucratic regimes. The impulse is neither magical—especially in any "sympathetic," Frazierian sense—nor is it necessarily or essentially rooted in nativist protest. Rather, it emerges from a structure and logic of record-keeping itself. Through the simple acts of observing and creating records of what one sees, individuals and groups collectively sort bodies, categorize actions, value certain behaviors over others, and collect and collate archives of information that through their very preservation conjure the societies in which we live.³⁴ Sovereign "paper terrorism" is part and parcel of these processes, not outliers opposed to them.

³³ L. Johnston, "What is Vigilantism?," *British Journal of Criminology* 36, no. 2 (January 1, 1996): 220–36, <https://doi.org/10.1093/oxfordjournals.bjc.a014083>. See also, Joshua Reeves, *Citizen Spies: The Long Rise of America's Surveillance Society* (New York: NYU Press, 2017).

³⁴ David Lyon, *Surveillance as Social Sorting: Privacy, Risk, and Digital Discrimination* (New York: Routledge, 2003); and, Maurizio Ferraris, *Documentality: Why It Is Necessary to Leave Traces*, trans. Richard Davies (New York: Fordham University Press, 2012).