

# **First Amendment Audits and Managing Sovereign Citizens**

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TEXAS ASSOCIATION *of* COUNTIES  
RISK MANAGEMENT POOL

# ***Disclaimer***

*This training is designed to provide general information about the subject matter covered. Neither TAC nor the trainers are engaged in rendering legal advice. If you need legal advice, TAC recommends that you seek the services of a competent attorney who is familiar with your specific situation.*



# 1st Amendment-U.S. Constitution

## Freedom of Religion, Speech & Assembly

**“Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”**



# TRUE OR FALSE:

Citizens generally have a First Amendment right to record police actions and citizens from public spaces:

1. True
2. False

**True**



# First Amendment Right to Record

- The recording of public officials is considered “**protected speech**” under the 1st Amendment.
- The ability to observe and photograph or record agents of government, including police conducting business in a public place, is guarded by the Constitution.
- The Supreme Court has also held that the 1<sup>st</sup> Amendment protects a person’s right to circulate publicly available information they collect or record in any medium they choose.



# What are 1st Amendment Audits?

- **First Amendment audits** are a social movement conducted by individuals eager to test their free speech rights; especially their right to photograph and record from public spaces.
- Some audits link this practice with 2nd Amendment challenges and simultaneously test their right to carry firearms in public spaces. They especially look for improperly posted signs displaying PC 30.06 & PC 30.07 warnings at governmental buildings. **PC 46.03**
- Amendment Auditors and their supporters claim these acts help preserve their Constitutional rights by promoting transparency and open government.



# WARNING!

## WEAPONS PROHIBITED

Except those carried by law enforcement officers while on official business\*

\*Subject to court firearms policy. Law enforcement officers attending court on personal matters are prohibited from bringing weapons into the court.



Guns

Knives

Mace/Pepper Spray

Stun Guns/Tasers

### ADDITIONAL PROHIBITED ITEMS INCLUDE, BUT ARE NOT LIMITED TO:



Tools  
(except for those carried by authorized workers)

Sharp Objects

Explosives and Flammable Liquids

Permanent Markers/Aerosols

Sports Equipment/Clubs

These examples represent some of the types of items that are prohibited in this facility. ANY item deemed dangerous or offensive by court security staff is prohibited. Confiscated/surrendered items may not be returned. Possessors of illegal weapons or contraband are subject to arrest.



OFFICE OF COURT ADMINISTRATION  
COURT SECURITY DIVISION

# ¡AVISO!

## SE PROHÍBE ARMAS

Excepto esas llevadas por agentes de la ley en asuntos oficiales\*

\*Sujeto a las reglas de armas de la corte. Los agentes de la ley que están atendiendo a la corte sobre asuntos personal estarán prohibidos de llevar armas dentro del juzgado.



Pistolas

Cuchillas

Aerosoles de pimienta

Armas para inmovilizar a personas temporalmente/pistola taser

### ADICIONALES OBJETOS PROHIBIDOS INCLUYEN, PERO NO ESTÁN LIMITADAS A:



Herramientas  
(excepto esas llevadas por trabajadores autorizados)

Objetos afilados

Explosivos y líquidos inflamables

Pintura/marcadores permanentes

Equipo deportivo

Estos ejemplos representan unas de las clases de objetos que están prohibidos en esta facilidad. Algunos objetos considerados peligrosos u ofensivos por el personal de seguridad de la corte están prohibidos. Objetos retenidos pueden ser confiscados. Poseedores de armas ilegales o contrabando están sujeto a detención.



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# The Audit Process

- Auditors show up unannounced and photograph or film government buildings, offices, control points, and common or sensitive areas, including parking lots and vehicles.
- They often record public officials, governmental employees and citizens that are present and may demand personnel within their view be identified.
- Auditors commonly seek access to governmental records, request complaint or grievance forms, or ask for copies of select administrative policies.

***It is a mistake to think amendment auditors only target law enforcement; no public servant is off limits.***



# 1st Amendment Audit Experiences

- Audit experiences may seem awkward; an auditor's behavior often appears suspicious or challenging.
- Auditors are intentionally vague. They often refuse to self-identify and most refuse to answer questions or explain their purpose or actions.
- Many auditors seem aggressive and seek verbal confrontation; they hope for inappropriate employee responses or negative/improper law enforcement intervention.



# 1st Amendment Audit Results

- Poorly handled audits often generate return visits or lead to additional auditors showing up.
- Recordings made during audits are commonly circulated on social media platforms, discussed on blogs, or aired on podcasts.

***Remember, you could become a social media sensation overnight by failing to understand their constitutional rights.***



## FILL IN THE BLANK:

**A person's 1<sup>st</sup> Amendment rights to Freedom of Speech, Freedom of Press, and Freedom of Assembly was determined by the Courts to be [\_\_\_\_\_].**

- A. An Absolute Right
- B. A Qualified Right

**B**



# First Amendment Limitations

- Free Speech is a qualified right, not an absolute right; it is governed by reasonable time, place, and manner restrictions.
- Individuals that are recording cannot:
  - Place themselves or others in danger
  - Trespass on private property
  - Enter a marked crime scene; or “materially interfere” with law enforcement activities

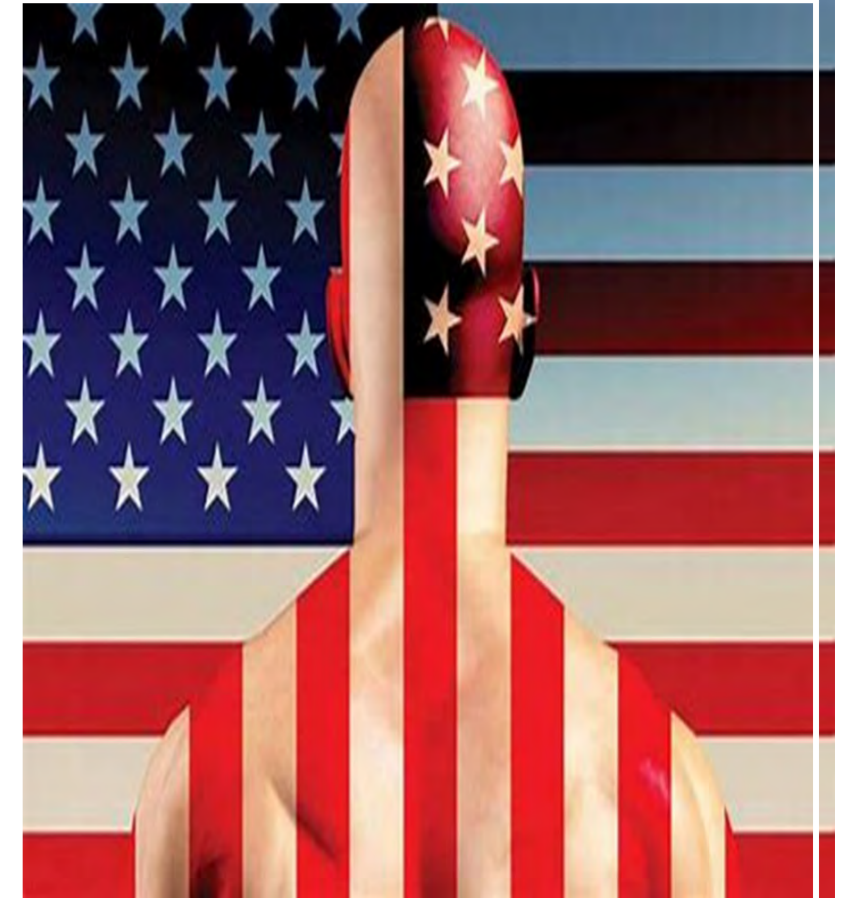


# Sovereign Citizenship

The Impact on Local Governments  
and Response Strategies

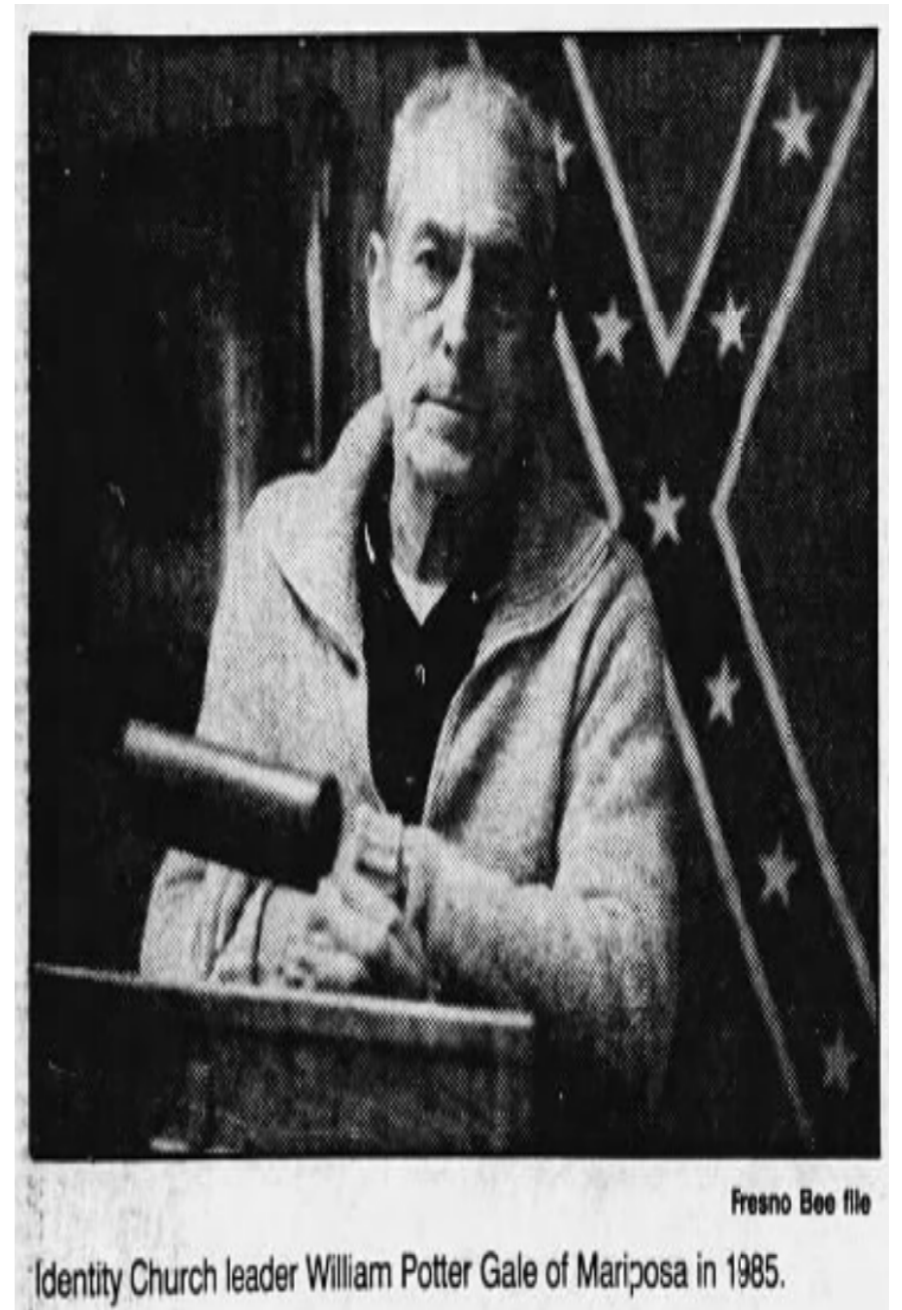


- Individuals who believe they are **NOT** under the jurisdiction of the federal government and consider themselves *exempt* from U.S. law.
- Believe that they **DO NOT** have to answer to any government authority, including courts, taxing entities, motor vehicle departments, or law enforcement.
- They use a variety of falsehoods to justify their beliefs and their activities, some of which are illegal or violent.



# History of Sovereign Citizenship

- The sovereign citizens movement originated from the ideology of a group called Posse Comitatus, Latin for “Power of the County.”
- The group was founded in the 1970’s by a retired U.S. Army colonel and white supremacist named William Potter Gale (1916-1988).



# “Power of the County”

- The movement originated from a combination of tax protester ideas, radical and racist anti-government movements, and pseudo law (rooted in conspiracy theories).
- The Posse believed that there was no legitimate form of government above the county level, and there was no higher law enforcement than the sheriff.



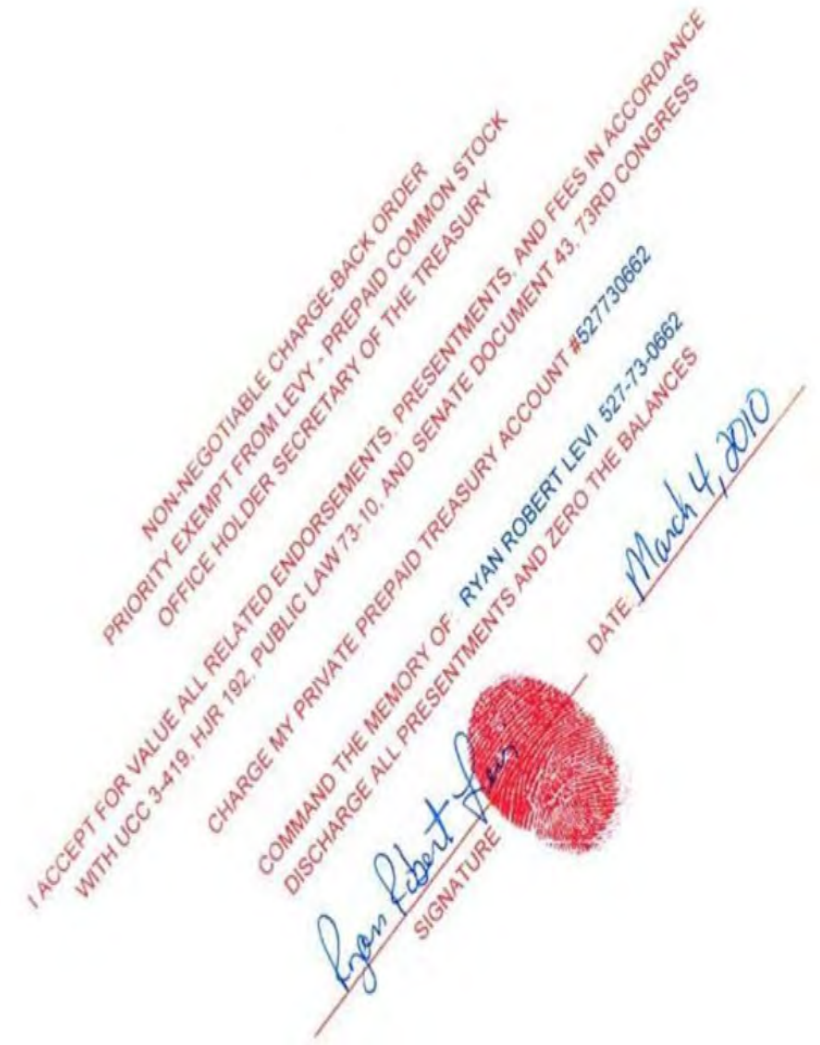
# “Power of the County”

- Under the Posse’s extreme interpretation of the law, they believed that the income tax system was illegal.
- Pioneered the use of false liens and other types of “paper terrorism” to harass their opponents by mounting frivolous legal actions against them.
- The Posse Comitatus began their decline in popularity at the turn of the 21<sup>st</sup> century, however their ideology evolved into the **sovereign citizen movement**.



# Paper Terrorism Definition

- Use of false liens, frivolous lawsuits, bogus letters of credit, and other legal or pseudo legal documents lacking sound factual basis as a method of harassment against an opponent.
- Sovereigns may sign legal documents and correspondence in red ink to signify the flesh and blood of people, as well as include their thumbprint or fingerprint next to it for it to be valid



# Financial Chargebacks

- Sovereign citizens believe the U.S. government secretly established accounts at the Treasury Department, linked to individuals through their Social Security numbers or birth certificates, which they refer to as the "strawman."
- Based on these beliefs, sovereign citizens attempt to "redeem" or access these funds to pay off debts, including using a fraudulent "chargeback" process.



# Financial Chargebacks

- Sovereign citizens use these fictitious "accounts" and "redemption" schemes to try to avoid paying legitimate debts.
- They may issue "Chargeback Notices" to creditors, claiming their debt will be paid by the U.S. Treasury through their strawman account.
- It's crucial to understand that these sovereign citizen chargeback schemes are not recognized by any legitimate financial institution or legal system.



# Question

Do you believe the sovereign citizen movement poses a **violent** threat to national security within the United States?





# FBI

The FBI has classified the  
Sovereign Citizen Movement as a  
**Top Domestic Terrorist Threat.**





# FBI

## Dangers of the Sovereign Citizen Movement

Widely known for  
“paper terrorism”

Commit murder and  
physical assault  
(During police  
encounters)

Threaten judges, law  
enforcement  
professionals, and  
government personnel

Impersonate police  
officers and  
diplomats

Use fake currency,  
passports, license  
plates, and driver’s  
licenses

Engineer various  
white-collar scams,  
including mortgage  
fraud and so-called  
redemption schemes



# Sovereign Citizen Groups

**In 2024, Police 1 estimated that there are between 100,000-300,000 sovereign citizens in the United States.**

Republic of Texas

American State  
Nationals (newest  
group)

American States  
Assembly

American  
Meeting Group

Moorish  
Sovereign Citizen  
Groups



# Names Sovereign Citizens May Self-Identify With

Free Man/Woman

Natural/Living  
Person

Free Person

Common Law  
Citizen

Constitutionalist

Private Persons

Secured Party  
Creditors



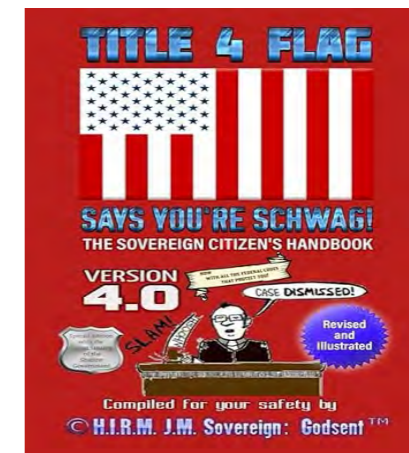
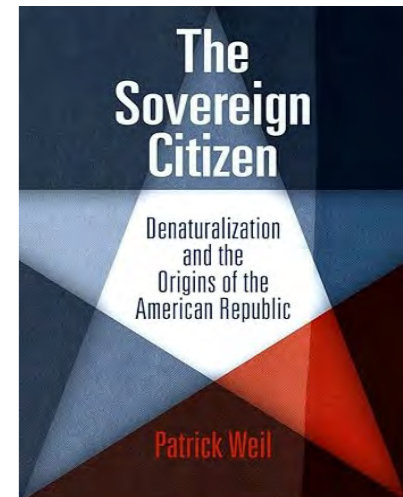
# Precautions

- Sovereign citizens can be volatile in the courtroom, engaging in a variety of disruptive behaviors or even violent acts.
- Sovereigns most often direct their anger at law enforcement officers and government officials, but businesses and individuals can also easily become targets.
- Because of its extremist ideology as well as the volatility of many of its adherents, the sovereign citizen movement has a well-deserved reputation for threats and violence.



# Sovereign Citizen Operations

- No central leadership for the movement.
- Rotating group of nationwide figures and local leaders with individualized views on sovereign citizen ideology and techniques.
- Operate as individuals
- Only come together in loosely affiliate groups to train, assist each other with paperwork, or socialize about their ideology.



# Sovereign Citizens and Law Enforcement

- Traffic stops are among the most dangerous situations for police officers dealing with sovereign citizens.
- Most sovereign citizen traffic stops are confrontational, as the sovereigns involved typically refuse to cooperate or challenge the authority of any officer.
- Sovereign citizens believe that police have no jurisdiction over them nor any right to pull them over, and some can be motivated by that belief to assault or even kill.



# Sovereign Citizens and Law Enforcement

- The fact that sovereign citizens **frequently have weapons** on their person or in their vehicle makes traffic stops even more dangerous, as it is easy for a sovereign to employ deadly force.



# Deflection and Disengagement

Auditors may try to intimidate you or engage you in debate or argument over their constitutional rights and your legal requirements.

- Educate yourself and train your co-workers. Gain confidence in your ability to interact with auditors by understanding their rights and their limitations.
- **Remain professional and courteous**
- **Deflect any inflammatory comments**
- **Develop disengagement techniques (create privacy or separation, pass them off to a supervisor, etc.)**
- **Prepare programmed responses to common requests or demands made by Constitutional Auditors.**



# Develop Programmed Responses

- “I know that you have a right to record in this area.”
- “Public access stops here”: \_\_\_\_\_ (*identify the boundaries*).
- “Complete this form to obtain a copy of public records” (*or our policy, etc.; explain the process*).
- “My name and title (or rank) is \_\_\_\_\_”; *or,*
- “Our office policy does not require me to identify to you and I prefer to withhold my identity”.
- “Would you like to speak to my supervisor?”



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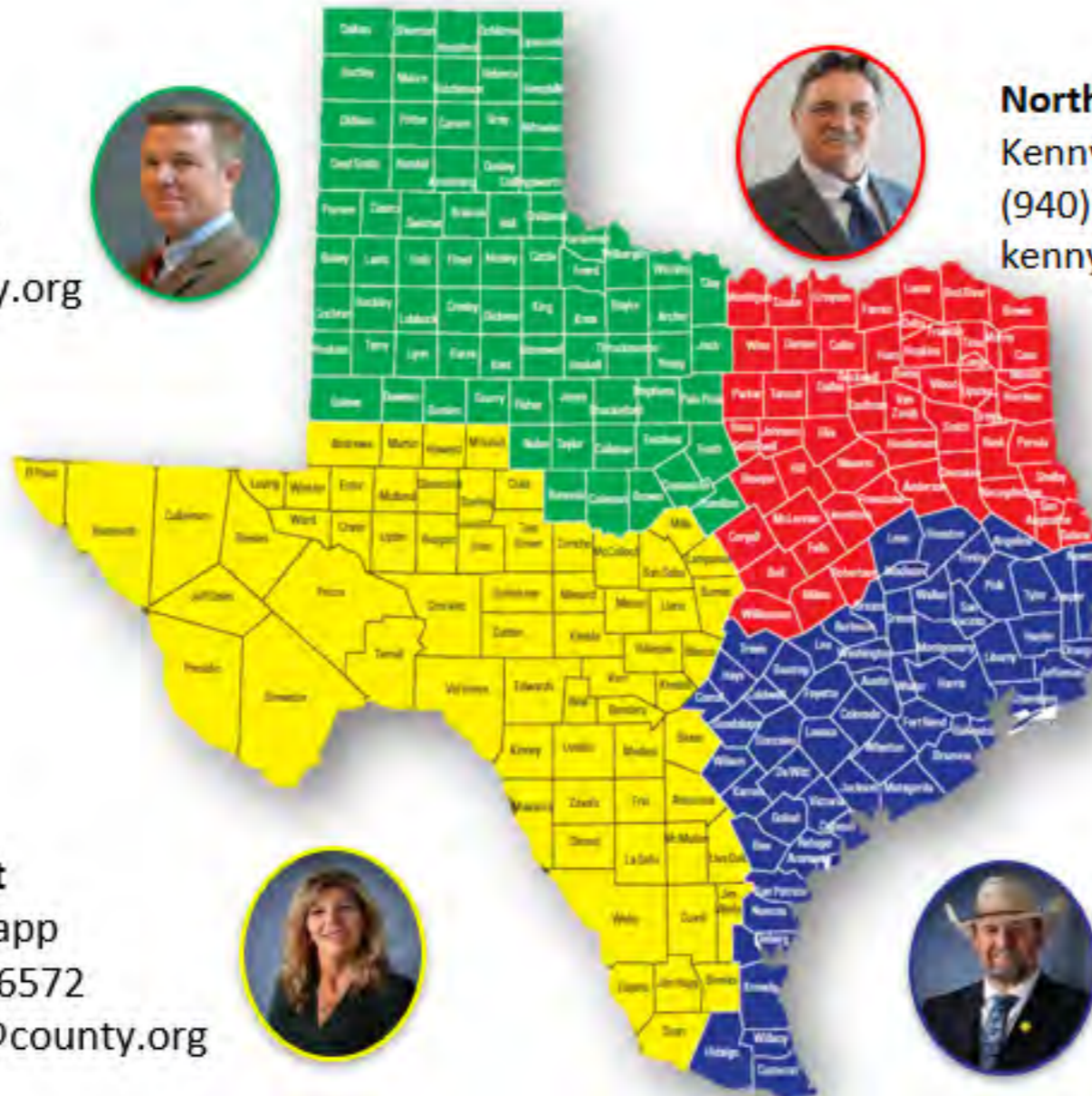
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