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4-1-2023

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ARE SOVEREIGN CITIZENS MORE AMENABLE TO THE ARBITRATION PROCESS?

Tyler Fierro

While it is impossible to know how many people in the United States identify as “Sovereign Citizens”, the number has boomed since the Covid-19 pandemic and the well-known ‘QAnon’ conspiracy theory.¹ Although there is no centralized organization surrounding Sovereign Citizens nor common beliefs shared by all individuals, the basic conclusion is that the American Government established by the Founding Fathers, under a common law system, was secretly replaced during the U.S. Civil War.² According to these conspiracy theorists the replacement government is premised on Admiralty law, or law of international commerce.³ Given this secret switch, Sovereign Citizens believe the Federal Government does not have jurisdiction over them and consider themselves exempt from United States law.⁴

Because of this belief, many do not adhere to our Country’s legal system and its proceedings.⁵ In situations where Sovereign Citizens must interact with the legal system, they have spoken in non-sensical “quasi-legal” language, have written legal briefs in red ink, which somehow alleviates them of liability, and have burdened courts with hundreds of pages of documents outlining their “legal” positions.⁶ Also, many Sovereign Citizens have not availed

¹*Sovereign Citizens Movement*, SOUTHERN POVERTY LAW CENTER (last visited Jan. 27, 2023), <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement> [<https://perma.cc/M74K-XUVE>].

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *A Quick Guide to Sovereign Citizens*, UNC SCHOOL OF GOVERNMENT (last visited Jan. 27, 2023), <https://www.sog.unc.edu/sites/www.sog.unc.edu/files/Sov%20citizens%20quick%20guide%20Nov%2013.pdf> [<https://perma.cc/RT2T-U3AF>].

⁶ *Id.*

themselves of the legal process when they have been sued civilly, and thus have had default judgments entered against them.⁷

Given the burden which Sovereign Citizens place on our legal system,⁸ coupled with their relative lack of availing themselves with the legal system and lack of success within the formalities of court,⁹ should there be an alternative for such individuals, such as binding arbitration? Sovereign Citizens may be more amenable to this alternate process. Sovereign Citizens have availed themselves of arbitration in the past, albeit for the purposes of attempting to obtain large judgments against the government.¹⁰ Arbitration would give Sovereign Citizens more leeway for their nonsensical arguments and would alleviate their perceived issues with the competence of judges and the legal system as a whole,¹¹ perhaps making them more amendable to US law.

Some may argue that it is not prudent to indulge “anti-government violent extremist”¹² conspiracy theorists’ beliefs and allow them opportunity to avail themselves with an alternative to the legal system they don’t believe in. However, regardless of your opinion on these conspiracy theorists, I believe that all persons, Sovereign Citizens and our legal system’s operators alike, would be better served with the establishment of rules allowing for judicial discretion in granting stays of litigation pending arbitration in cases where a difficult party, who identifies as a Sovereign Citizen, wishes to avail themselves of the alternative dispute resolution process. While the

⁷ See e.g., *2720 Realty v. Williams*, *Court rejects Sovereign Citizen’s Claim Under ‘Redemption Theory’ for Vacatur of Default*, ALM (Sept. 7, 2012), <https://www.law.com/newyorklawjournal/almID/1202570264399/> [<https://perma.cc/XG2Z-J42M>].

⁸ UNC SCHOOL OF GOVERNMENT, *supra* note 5.

⁹ ALM, *supra* note 7.

¹⁰ See e.g., *Federal Judge Rejects Attempt to Extract \$300 Million Through ‘Bogus’ Arbitration*, SOVEREIGN CITIZEN WATCH (Nov. 14, 2021), <https://sovereigncitizenwatch.com/2021/11/14/federal-judge-rejects-attempt-to-extract-300-million-through-bogus-arbitration/> [<https://perma.cc/G6AF-6AUS>].

¹¹ See SOUTHERN POVERTY LAW CENTER, *supra* note 1.

¹² Christine Sarteschi, *Sovereign Citizens: More than Paper Terrorists*, JUST SECURITY (July 5, 2021), <https://www.justsecurity.org/77328/sovereign-citizens-more-than-paper-terrorists/> [<https://perma.cc/4Y7U-9HQG>].

opposing party involved in litigation against a Sovereign Citizen may rather continue in court, for the sake of alleviating burdens on the judicial system, there must be some deference to the wishes of a Sovereign Citizen.