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1-30-1995

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Glenn Harlan Reynolds

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FOUNDED JUNE 10, 1847

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Monday, January 30, 1995

## Up in arms about a revolting movement

By Glenn Harlan Reynolds

Recently, a steady drumbeat of print reports and network news stories has given national attention to what many in the South and West already knew: that some Americans are arming themselves and organizing into militia companies. Part of a so-called "Patriot Movement" that some number at 5 million members, the militia movement is estimated by press accounts as having somewhere between 100,000 and 300,000 members under arms. Their fear, based on all sorts of rumors about "black helicopters" and foreign forces maneuvering in remote areas, is that the feds, perhaps in conjunction with the United Nations, will seize their guns and establish a "new world order" dictatorship that will take control over their lives. Some are even talking about armed revolt.

Militia members believe their actions are authorized by the U.S. Constitution. They're silly to worry about the UN, which can't even handle the Serbs. They're half right about the Constitution—but the part they have wrong could mean trouble. Militia advocates point to the Constitution's 2nd Amendment, which addresses the right to keep and bear arms, and to the framers' general views in favor of an armed citizenry as a check on tyrants. Here they're on solid ground. There is no question that the framers supported an armed citizenry as a way of preventing tyrannical government.

But the militia groups haven't thought about how the framers defined tyrannical government. The fact is that though there is plenty to complain about with regard to the expansion of government in the last half-century, just about all of it was with the acquiescence—and often the outright endorsement—of the electorate. That makes a big difference. Although many militia supporters can quote the framers at great length on the right to bear arms, few seem aware that the framers also put a lot of effort into distinguishing between legitimate revolutions—such as the American Revolution—and mere "rebellions" or "insurrections." The former represented a right, even a duty, of the people. The latter were illegitimate, mere outlawry. The framers developed a rather sophisticated political theory for distinguishing between the two.

The most important aspect of this theory was representation. Those who were not represented lacked the citizen's duty of loyalty. A government

that taxed its citizens without representation was thus no better than an outlaw, and citizens enjoyed the same right of resistance against its officers as they possessed against robbers.

But revolting against taxation without representation is not the same thing as revolting against taxation, period. Like it or not, the government we have now is the government that most citizens at least thought they wanted.

If you want to know what the framers considered grounds for revolt, read the list of complaints about George III in the Declaration of Independence.

The framers understood what a dangerous thing a revolution was. They embarked on their effort with trepidation, and they would not have been surprised to learn that most revolutions that came after theirs either failed or produced a new tyranny worse than the old. They knew that once let out, the genie of revolution often proves both destructive and hard to rebottle. As the militia movement says, the framers did believe in the right to revolution. But they believed that such strong medicine was a last resort against tyranny. Today's militia members would be better advised to organize a new political party, or to work at increasing voter turnout.

Such counsel may seem bland beside the very real romance of revolution. But those on the political right (from which most, though not all, of the militia movement comes) should know better than to yield to that romance. Ever since the idolization of Che Guevara, a large chunk of the American left has succumbed to revolutionary romance, while those on the right have focused on workaday politics. The relative fortunes of those two movements over the last 25 years, especially after November's elections, suggest which approach works.

Having said this, I also have a cautionary note for those who are not part of the militia movement. When large numbers of citizens begin arming against their own government and are ready to believe even the silliest rumors about that government's willingness to evade the Constitution, there is a problem that goes beyond gullibility. This country's political establishment should think about what it has done to inspire such distrust—and what it can do to regain the trust and loyalty of many Americans who no longer grant it either.

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