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Conversing with the Dead: The Militia Movement and American History

DARREN MULLOY

If one forgets the past, he will not be prepared for the future.

The Militia of Montana

YES! TODAY JUST AS YESTERDAY.

The Michigan Militia

When the militia movement emerged in the United States during the mid 1990s its members were widely seen as simply the latest practitioners of what Richard Hofstadter famously called “the paranoid style in American politics.”¹ There was much comfort to be had in this characterization. It fitted the militia movement into a long-standing model for understanding right-wing extremism in American life, one in which the principal characteristics of such extremism were readily understood: conspiratorial, Manichean, absolutist – if not apocalyptic – and, of course, paranoid. The problem with this approach, though, is that it tends to discourage any examination of mainstream

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¹ Richard Hofstadter, “The Paranoid Style in American Politics,” in *The Paranoid Style in American Politics and other Essays* (London: Jonathan Cape, 1965), 3–40. On the application of the paranoid style to the militia movement see, for example, Michael Barkun, “Religion, Militias and Oklahoma City: The Mind of Conspiratorialists,” *Terrorism and Political Violence*, 8/1 (Spring 1996), 50; Peter H. Merkl “Introduction,” in *The Revival of Right-Wing Extremism in the Nineties*, ed. Peter H. Merkl and Leonard Weinberg (London: Frank Cass & Co. Ltd., 1997), 11; Robert S. Robins and Jerrold M. Post, *Political Paranoia: The Psychopolitics of Hatred* (New Haven: Yale University Press, 1997); Kenneth S. Stern, *A Force Upon the Plain: The American Militia Movement and the Politics of Hate* (Norman: University of Oklahoma, 1997), 141; Jill Smolowe, “Enemies of the State,” *Time*, 8 May 1995, 22–31; Tom Morgan, et al., “The View From the Far Right,” *Newsweek*, 1 May 1995, 28–30; The Anti-Defamation League, *Vigilante Justice: Militias and “Common Law Courts” Wage War Against the Government* (New York: ADL, 1997), 22–23; and Daniel Pipes, *Conspiracy: How the Paranoid Style Flourishes and Where it Comes From* (New York: The Free Press, 1997).

culture's role in the creation or sustaining of those defined as extremists. It downplays the extent to which the pool of ideological resources employed by the extreme right exists not just on the margins of American life, but also in the very fabric of the American ideology. Little attempt is made to explore the extent to which the ideas and beliefs of these "extremists" are related to, and are drawn from, key periods in US history: from the American Revolution, the period of the constitutional settlement or the settling of the American West, for example. Yet such ideas and beliefs are absolutely central to how groups like the militias see themselves and the world around them.²

Even a cursory perusal of militia movement publications reveals accounts of the Boston Tea Party or the Battle of Lexington and Concord sitting alongside reproduced images of the Declaration of Independence and the Constitution, while seemingly endless quotations from the nation's Founding Fathers compete for space with heroic tales of the adventures of frontiersmen like Davy Crockett and his Tennessee Militia. Links to important "Historic Documents" including the Mayflower Compact, the Declaration of Independence, the Articles of Confederation and the Constitution are a common feature of militia websites. Through the establishment of Committees of Correspondence, Committees of Safety, and, of course, Citizens Militias themselves, the modern militia movement has sought to echo the institutions of their revolutionary forefathers – even to the extent of communicating through the Paul Revere Bulletin Board.³

At the heart of the politics practised by the militia movement is the attempt to define the nature of "Americanism," and in so doing they employ the myths, metaphors and perceived historical lessons of the American experience. It is a mistake to ignore this aspect of their activities. Not least because it is a process the wider American culture and polity are equally engaged in. John George and Laird Wilcox express it well in their encyclopaedic *American Extremists* when they write: "While, by definition, extremists roam about the fringes of our culture, they also pay close attention

² Notable exceptions to this include Timothy M. Seul, "Militia Minds: Inside America's Contemporary Militia Movement," (Ph.D. diss., Purdue University, 1997); Robert H. Churchill, "'The Highest and Holiest Duty of Freemen': Revolutionary Libertarianism in American History," (Ph.D. diss., Rutgers, The State University of New Jersey, 2001); Joshua D. Freilich, Jeremy A. Pienik and Gregory J. Howard, "Toward Comparative Studies of the U.S. Militia Movement," *International Journal of Comparative Sociology*, 42/1–2 (2001), 163–210; and Lane Crothers, "The Cultural Foundations of the Modern Militia Movement," *New Political Science*, 24/2 (2002), 221–34.

³ Instructions on how to join the Paul Revere Bulletin Board are provided by Larry Pratt in his introduction to *Safeguarding Liberty: The Constitution and Citizens Militias*, ed. Larry Pratt (Franklin, Tennessee: Legacy Communications, 1995), xi.

to our culture. Agreeing with them little, nonetheless, we can learn a lot from them and their social and political concerns.”⁴ Examining the militias’ efforts to create a usable past – as they attempt to interpret American history, divine its meaning and use it as a guide in the present – is essential if we are to extend our understanding of such far right groups, and the aim of this article is to explore *how* militia members use American history, and to consider what, if anything, is particularly *distinctive* about their use of this past.⁵ However, if the article focuses on the militia movement’s engagement with America’s past, the issues raised here are of much wider significance. After all, the use and misuse of the history and mythology of the United States is not a subject which can be restricted to the milieu of the far right, nor even to the fields of history and political science.

Indeed, the past is important to the militia movement for exactly the same reasons that it is important to other individuals and to other groups. Simply put: the past offers many benefits to those who seek to use it. Among these benefits, as David Lowenthal has pointed out, are “familiarity and recognition; reaffirmation and validation; individual and group identity; guidance; enrichment; and escape.”⁶ While Lowenthal readily acknowledges that these categories are not exhaustive, they nonetheless provide a useful starting point for examining the militia movement’s relationship with American history. Concerns with the legitimacy apparently to be conveyed through the past (“reaffirmation and validation” in Lowenthal’s terms), with the guidance to be found in the past, and with issues of identity – individual, group and national – are recurrent themes in the rhetorical and ideological uses of American history by the militia movement, just as they are with other political groups, extremist or otherwise.

INHERITING THE PAST

The militia movement sees itself as belonging firmly to the mainstream of US history. “I will never forget that I am an American, a citizen of the greatest nation on earth ... dedicated to the principles which made my country free,”

⁴ John George and Laird Wilcox, *American Extremists: Militias, Supremacists, Klansmen, Communists, and Others* (Amherst, New York: Prometheus Books, 1996), 7. For a good account of the relationship between the militias and other elements of the far right see Martin Durham, *The Christian Right: the Far Right and the Boundaries of American Conservatism* (Manchester: Manchester University Press, 2000).

⁵ These arguments are presented more fully in D. J. Mulloy, *American Extremism: History, Politics and the Militia Movement* (London: Routledge, 2004).

⁶ David Lowenthal, *The Past is a Foreign Country* (Cambridge: Cambridge University Press, 1985), 38.

declared members of the Northern Michigan Regional Militia in a 1994 pamphlet explaining their “Mission” and “Purpose,” for example. Describing themselves as the “Michigan Minute Men,” they argued they were “the inheritors of the task begun more than two centuries ago.”⁷ Similarly, for the North Carolina Citizens Militia, “the truths and ideals represented in the Declaration of Independence, our Constitution and Bill of Rights express the core beliefs at the very heart and soul of America and her citizens.”⁸

The militia movement’s conception of this inheritance is often expressed in strikingly personal terms. It is as if a direct legacy of belief and principle has been passed down from the Revolutionary-era generation to present-day militia members. As one member of the North Carolina Citizens Militia put it: “The blood of *our* ancestors is flowing in *our* veins. The men who fought the American Revolution are *our* forefathers and *we* are their children.”⁹ There is an obviously a basic rhetorical advantage to be had in making such a claim. Beyond this, though, it points to the enormous sense of responsibility that frequently accompanies militia members’ understanding of their relationship with America’s past, and provides an insight into the intensity of belief apparently motivating them.

The attempt to associate, connect with and utilise the foundational documents, events, principles and beliefs of American life has been a constant feature of political struggle throughout America’s history – prominent, for example, in the movements to extend suffrage to women in the early twentieth century, in the labour and populist struggles of the late nineteenth century, in the civil rights campaigns of the mid twentieth century, as well as in the “culture wars” of the late twentieth century. It is the fact that such documents and such events are so central to America’s conception of itself which makes them so applicable in the first place. President Clinton demonstrated as much in his final State of the Union address, when he promised that America still had the opportunity to become “what our founders pledged us to be so long ago – one nation, under God, indivisible, with liberty and justice for all.” Setting out how this promise would be realized, Clinton invoked exactly the same periods of American history relied upon by militia members – the Revolutionary War, the drafting of the Constitution and the settling of the West. Each generation of Americans owed some

⁷ The Northern Michigan Regional Militia, “Manual 1–1, Background, Mission, Purpose and Organization,” 19 May 1994.

⁸ The North Carolina Citizens Militia, “Statement of Purpose,” www.netpath.net/~jeff/nccm.htm.

⁹ “Joan”, “The N.C. Militia – Just Regular People,” *The Carolina Free Press*, 3/6 (23 August 1997), 3. Emphasis added.

responsibility to, and had some connection with, these pivotal periods of American history, Clinton argued. Indeed, it was precisely because of this sense of connection and responsibility that Americans continued, he said, “to bask in the warm glow” of freedom and possibility established by their ancestors.¹⁰

Clinton’s tactic in this part of his address would be instantly recognizable to the historian David Harlan, who believes that history’s function is to provide a form of moral reflection, to act as a means by which individuals, groups and nations can decide who they are and what they believe in. “‘We’ exist as ‘a people,’” Harlan writes, “only to the extent that we imagine ourselves possessing a common past that explains our common present – and that projects us into a common future.”¹¹ In other words, choosing one’s ancestors and one’s past is a means of belonging. It is a way of finding one’s place in the world through time and memory, and also crucially – and this is something which is particularly applicable to the militia movement – it is a way of criticizing and challenging the way things are. History, as Harlan puts it, is a “conversation with the dead about what we should value and how we should live.”¹² It is this conversation – a common enough one in American political discourse – that the militias are seeking to become part of.

The role the past plays in creating and sustaining both our individual and our collective sense of identity is a prominent part of the militia movement’s engagement with American history. “Why are we in the Militia?” members of the Militia of Montana ask themselves rhetorically. “Because we are Americans,” comes the reply. “But,” they emphasize, “We are not Americans just because we live in a place called America. We are Americans because of the love we have for our country, its organic laws, and the men who died so we might live a free people.”¹³ There is a recognition in this, as many commentators have noted over many years, that “American identity” is a fluid concept; that it is not something that is automatically conveyed or bestowed upon citizens of the United States, but is something which is constructed by those citizens.¹⁴ For militia members, it is the fact that they

¹⁰ President Clinton, “State of the Union Address,” 28 January 2000. www.newsunlimited.co.uk/international/story/0,3604,1298000,00.html.

¹¹ David Harlan, *The Degradation of American History* (Chicago: University of Chicago Press, 1997), 196. ¹² *Ibid.*, xviii.

¹³ The Militia of Montana, “Back to Basics: Re-Assuming Our Responsibilities,” *Taking Aim*, 1/6 (August 1994), 7.

¹⁴ George W. Bush made exactly this point during his inaugural address. “America,” he said, “has never been united by blood or birth or soil. We are bound by ideals that move us beyond our backgrounds, lift us above our interests and teach us what it means to be citizens. Every child must be taught these principles. Every citizen must uphold them. And

have made the effort to educate themselves about their nation's past that they feel is important. They consider that it singles them out at a time when most US citizens have forgotten their nation's history, are neglecting it, or have not been taught it in the first place. ("Why are our American heritage and our Founding Fathers being discarded in our history books?" asked Clayton Douglas, publisher of *The Free American* in its April 1997 issue. "Who is responsible?"¹⁵) It is their own efforts at historical education, which, they feel, allow them to lay claim to the nation's Founding Fathers and to its founding documents.

If the militia movement's attempts to identify and engage with the central events and documents of the American founding are hardly unique, as we shall see, the uses to which the movement puts the founding are distinctive. They are also controversial. Indeed, the militias' efforts at employing American history have been severely criticized by many within the American mainstream. During a speech at Michigan State University, in the aftermath of the Oklahoma City bombing, President Clinton expressed his outrage that militia members were attempting to "appropriate" America's "sacred symbols for paranoid purposes."¹⁶ Congressman Charles Schumer (D-NY), who chaired congressional hearings into the militia movement in November 1995, has written dismissively of "the Alice-in-Wonderland nature" of the militias' political philosophies, suggesting they are often "little more than a bizarre pastiche of words and phrases appropriated from our Constitution and other organic and historic documents," where meaning is "twisted beyond all recognition."¹⁷ And "watchdog" agencies such as the Anti-Defamation League and the Southern Poverty Law Center have

every immigrant, by embracing these ideals, makes our country more, not less, American." www.nytimes.com/2001/01/21/politics/21.BTEX.html. For Leonard Weinberg, this is one of the key elements which distinguishes the American right from its European counterparts. "America has been a nation of immigrants," he writes, "and this fact has had important consequences in affecting the meaning of nationality. In general, one becomes a German or a Greek by birth while, given the nature of the situation, becoming an American has come to be associated with the adoption of a set of beliefs and various forms of personal conduct. ... For McCarthy, unlike Enoch Powell in Britain, for example, one could be authentically American irrespective of background so long as one possessed the appropriate outlook." Leonard Weinberg, "The American Radical Right in Comparative Perspective," in *Extremism in the Nineties*, 232.

¹⁵ Clayton R. Douglas, "The Free American Joins the Demand for a National Forum," *The Free American* (April 1997), 25.

¹⁶ President Clinton, "Remarks at the Michigan State University Commencement Ceremony," 5 May 1995, *The Weekly Compilation of Presidential Documents*, 31/17 (1995), 773.

¹⁷ Charles E. Schumer, foreword to Thomas Halpern and Brian Levin, *The Limits of Dissent: The Constitutional Status of Armed Civilian Militias* (Amherst, MA: Aletheia Press, 1996), xi.

accused militia members of “infect[ing] the American body politic” by disguising themselves as “‘patriots’ committed to the ideals of the Founding Fathers.”¹⁸

The militias’ “conversation with the dead” is thus also, at the same time, a contest in the present with the living. The militias themselves are well aware of this. Indeed, their sense of being involved in a contest for access to, and control of, American history is a crucial part of how they both approach and rhetoricise the past.

CONTESTING THE PAST

John Bodnar describes how “ordinary people” use history and political theory at the “vernacular level,” out of the control of, or in defiance of, the “official” custodians of the past.¹⁹ According to Bodnar, exponents of vernacular cultures tend to seek to protect values and restate “views of reality derived from firsthand experience in small-scale communities rather than the ‘imagined’ communities of a large nation.” They tend to “convey what social reality feels like rather than what it should be like,” “are more likely to honor pioneer ancestors than founding fathers,” and are “less interested than cultural leaders in exerting influence and control over others.”²⁰ The case of the militia movement provides an interesting example of vernacular interests being pursued for the most part in the opposite way to that which Bodnar describes – albeit, in this case, if the “ordinary people” are those belonging to “extremist” political groups. It is with the nation’s Founding Fathers and the “imagined community” of the nation state that the militias are predominately concerned, and they are certainly interested in “exerting influence and control over others” as they campaign, for example, for the “correct” interpretation of the Second Amendment or to restore the Republic the Founding Fathers are said to have envisaged.²¹

¹⁸ The Anti-Defamation League, *Vigilante Justice*, 3. See also the Southern Poverty Law Center, *False Patriots: The Threat of Antigovernment Extremists* (Montgomery, AL: SPLC, 1996).

¹⁹ John Bodnar, *Remaking America: Public Memory, Commemoration and Patriotism in the Twentieth Century* (Princeton: Princeton University Press, 1992), 13–20, *passim*. Bodnar uses the term “ordinary people” to distinguish them from the “cultural leaders,” the “government officials, editors, lawyers, clerics, teachers, military officers” and so on, who, he argues, play the key role in the determination of America’s public memory.

²⁰ *Ibid.*, 14. See also Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, rev. edn (London: Verso, 1991).

²¹ This is not to say that “pioneer ancestors” are unimportant to the militias, and although militia members are greatly concerned with the nation’s Founding Fathers they also take

The militia movement's contestation of the past has two principal elements. First, militia members want to counter what they see as the malign influence of the nation's elites with regard to how the past is remembered and recalled. Second, they are concerned to influence the attitudes and understanding of the American people in general – “waking them up” to what is happening to their country.²²

The first of these elements is well illustrated in an article by Thomas DiLorenzo which appeared in the July/August 1995 issue of *The Justice Times*. A direct response to President Clinton's “sacred symbols” speech at Michigan State University, the article commences with what might be termed a Patriot parable encapsulating the contest which sections of the far right feel they are involved in. The parable begins with “Bill Clinton and Al Gore stopp[ing] off at Monticello en route to Washington for their inauguration” in 1994. During their tour, Gore points to “two portraits hanging in Mr Jefferson's home and ask[s] the guide, ‘Who are those two guys?’” The guide, who is notably and emblematically transfigured into a “stunned historian,” replies that the two portraits are of Jefferson and Madison. Amazingly the Vice President of the United States did not recognize two of his nation's Founding Fathers. For DiLorenzo, however, this was more than mere momentary forgetfulness on Gore's part. It was indicative of a deeper malady within the Clinton White House, a malady confirmed by the President's speech at Michigan State which, DiLorenzo said, suggested that “Clinton is as unaware of the political philosophies of Jefferson and Madison as his running mate was of their likeness.”²³

Quoting extensively from Jefferson and Madison – as well as from George Washington, Patrick Henry and Thomas Paine – the remainder of the article sought to demonstrate just how little President Clinton understood the “political philosophies” of the Founding Fathers, and conversely, how well people like DiLorenzo did understand them. The accuracy of DiLorenzo's claims, though, are less important for our present purposes than the desire they evidence to receive the sanctification of the Founding Fathers' legacy and to challenge what is seen as the dominant culture's control of that

inspiration from the lives of ordinary Americans in American history, particularly with respect to the part played by “ordinary” Americans during the Revolutionary War.

²² See, for example, The Stark County Unit of the Ohio Militia, “Wake Up America!,” www.members.aol.com/stark_mil/scoum.htm; and Brian Farley, “America Wake Up!” in *Common Sense*, “Liberty or Death: Don't Tread on Me” (Kansas City, MO: A Group of Concerned Citizens, 1994), 7–8.

²³ Thomas DiLorenzo, “America was Founded by Radical Anti-Government Conservatives,” *The Justice Times*, 26/4 (July/August 1995), 1–3.

legacy.²⁴ Turning Clinton's admonishment of the militia movement around, for example, DiLorenzo argued that the United States "was founded by people who loved country and nation, but despised governmental rulers," and that the Founders would regard "a centralized government like Mr Clinton's as the enemy of nation, community, family, of property, and civil order."²⁵

A crucial part of this contest that militia members feel they are involved in concerns their depiction as "extremists." They are well aware that they are not recognized as the latter-day heirs of the Minutemen or as legitimate custodians of the nation's memory of the Founding Fathers. Clayton Douglas pursued this theme in *The Free American* during 1997. As Douglas saw it, "Americans who treasure their Constitution, their independence and rights" were "under attack" from "the government and liberal press" as well as from the "inflammatory rhetoric" of organizations such as the Anti-Defamation League and the Southern Poverty Law Center, who were intent on depicting militia members as "kooks, nuts and conspiracists." For Douglas it was all sadly indicative of how much the United States had changed over the years. "In [the] olden days," he reminisced, "groups of people who banded together to protect their country were hailed as heroes. (Remember the Alamo?) Today, Americans who never dreamed of committing a crime, are being targeted by the federal government for attending meetings, lectures or preparedness shows as dangerous terrorists."²⁶ What was needed, he argued, was a "National Forum" whereby representatives of the government and its agencies could meet with knowledgeable members of the "Militia/Patriot/Constitutional community." Douglas emphasized that this meeting must take place "IN FRONT OF LIVE TELEVISION AND [BE] BROADCAST NATIONALLY," because this would allow Patriots to appeal directly to the American people. "All of America would be a witness."²⁷ As well as providing a valuable means of generating publicity and attracting new recruits, Douglas's call for

²⁴ Of course, it was precisely this sense of sanctification that Clinton himself was trying to evoke by recreating Jefferson's journey from Monticello to Washington. Having already claimed Franklin D. Roosevelt and John F. Kennedy as part of his own liberal Democratic heritage – most famously in the 1992 campaign advertisement which depicted Kennedy shaking hands with a young Bill Clinton in the White House gardens in 1962 – he was now trying to add Jefferson to the roster.

²⁵ DiLorenzo, "Anti-Government Conservatives," 3. Emphasis added.

²⁶ Clayton R. Douglas, "The Second Secret War for American Independence," *The Free American* (Oct. 1997): 4.

²⁷ Douglas, "National Forum," 25. Douglas attributed the idea for a National Forum to Sheila Reynolds of the Patriot publication *Resurrection News*.

a “National Forum” demonstrates the militias’ conviction that they have right on their side; that once their case is made to the American people it is thought to be overwhelming.

Again, militia members’ own historical knowledge is crucial in this respect. “Take the time to study American law, your United States Constitution, Bill of Rights, Declaration of Independence and the Common Law,” the prominent Patriot figure “Johnny Liberty” urged in *The Preparedness Journal* in early 1995, stressing that the “prioritizing of education in all areas of our lives [is] absolutely essential to any rediscovery of America and the restoration of a constitutional Republic.” This was important “Liberty” explained, ironically misquoting Santayana’s famous aphorism, because “One who refuses to learn from the past is condemned to repeat it.”²⁸ Education for militia members is thus both a road to personal enlightenment and the means to political empowerment. Armed with the readily accessible meanings of history (“the truth”), militia members believe they can challenge those in “official” control of America’s past.

This goes hand-in-hand with the militia movement’s use of what the former leader of the Michigan Militia, Norman Olson, referred to as “alternative sources of news” – the Internet, computer bulletin boards, videotapes, audiotapes and educational seminars. These sources were crucial to explaining the rapid growth of the militia movement during the 1990s, Olson informed Senator Feinstein (D–CA) during his testimony before the Senate Subcommittee on Terrorism in June 1995, with the result, he said, that: “what you are seeing in America in the last three or four years is a phenomenon of informed Americans now waking up.”²⁹

The militias feel that they also need to stir the nation from its apathetic neglect, as evidenced by a poem that appeared in the April 1995 newsletter of the Kentucky Riflemen Militia. Entitled “A Visitor from the Past,” and using familiar lines from *The Star Spangled Banner* for its organizing refrain, several layers of sleep and remembrance are employed as the poem’s anonymous narrator recounts a dream he has had in which a soldier from the Revolutionary War appeared “walking through the mist with a flintlock in his hand.” The soldier reminds the narrator that he and his comrades “fought a

²⁸ Johnny Liberty [John Van Hove], “Restoring the Constitutional Republic,” *Preparedness Journal* (Jan./Feb. 1995), 5. Santayana wrote: “Those who cannot remember the past are condemned to repeat it.” See Lowenthal, *The Past*, 47.

²⁹ Senate Committee on the Judiciary, *The Militia Movement in the United States: Hearing before the Subcommittee on Terrorism, Technology and Government Information*, 104th Cong., 1st sess., 15 June 1995, 108.

revolution” to secure the nation’s liberty and provided the Constitution “as a shield from tyranny.” It is a “legacy” he now sees being betrayed:

The freedom we secured for you we hoped you’d always keep
but tyrants labored endlessly, while your parents were asleep.
Your freedom is gone, your courage lost, you’re no more than a slave.
In this, the land of the free and the home of the brave.

Five stanzas follow. These detail “the tyrants” efforts to destroy the Republic through various measures including gun-control legislation, restrictions on home schooling, the legalization of abortion, the abandonment of the gold standard, the over-regulation of business, increasing the size of the national debt, repossessing farms, and the unwelcome spectacle of Americans “fighting other people’s wars.” In response to these “intolerable” conditions the “Sons of the Republic” are commanded to “arise and take a stand,” and the poem concludes with the narrator’s description of his own “awakening” as he questions how his fellow citizens will respond to this call from the past:

As I awoke he vanished in the mist from which he came. His words were true,
we were not free, we have ourselves to blame. For even as tyrants trample each
God-given right, we only watch and tremble too afraid to stand and fight.
What would be your answer if he called out from the grave?
Is this still the land of the free and the home of the brave?³⁰

ACCESSING THE PAST

In the pages of the February 1997 issue of *Necessary Force*, the newsletter of the Missouri 51st Militia, Kay Sheil described how she felt “infuriated” when “lawyers, politicians and their ilk take the attitude that the people are just peons, and too simpleminded to understand law and justice ... and we must have their great wisdom to decipher it for us.” The implication, she argued, was that America’s “heritage of individual liberty and self-government is only a farce,” and that “we should be good little children and never question the intellect and advice of those chosen and ordained to care for us.”³¹ For people like Sheil the way to counter the influence of such “official” protectors of the past is to go directly to the nation’s Founding Fathers – the original and most authoritative “cultural leaders” of all.

This is because as far as Sheil and other militia members are concerned, the Founding Fathers “were able to articulate ... things in a way that all

³⁰ The Kentucky Riflemen Militia, “A Visitor From The Past,” *Kentucky Riflemen Militia News* (April 1995), 15.

³¹ Kay Sheil, “The Greedy Bullies of the Playground,” *Necessary Force* (Feb. 1997), 4.

could understand.”³² The lessons of the American founding are regarded as clear, the nation’s origins uncontentious. Hence militia members call for access to, and see themselves as acting upon, the *unmediated* utterances of the Founding Fathers in the belief that if allowed to “speak for themselves,” as the Militia of Montana put it, then their very words will be enough to make the militias’ case for them.³³ This “direct” communication between past and present is regarded as more accurate, more authentic and more legitimate. It is a key component of the militia movement’s strategy of remembering and reconstructing America’s history.

“Recall the words of Thomas Jefferson,” militia members say. And, “Did you catch what George Washington said about you and me?” They invite their fellow citizens to “see what the Founding Fathers had to say about democracies,” and tell them that in order “to understand what the militia is” it would surely “be best to hear it from our founding forefathers.” *The Federalist Papers*, for example, “were written by the people who wrote the Constitution, and were created to interpret the Constitution.” Therefore militia members ask: “Who could interpret the Constitution better than the one’s [*sic*] who wrote it?,” and they quote Madison on the supremacy of the states, or Hamilton on the absolute necessity of an arms-bearing citizenry. It is because of this strategy – this ostensibly direct access to the past – that militia members feel justified in regarding themselves as acting in the “memory of our illustrious forefathers, Patrick Henry, Thomas Paine, Paul Revere, George Washington, Thomas Jefferson, Benjamin Franklin, and others who gave their lives that we might be free.”³⁴

Providing the Founding Fathers with an opportunity to “speak for themselves” is, of course, the principal claim made in support of the doctrine of original intent as being the best means of constitutional interpretation in the present. Helen Johnson of the Ohio Militia is clear on this: “The Constitution of the United States of America is to be interpreted by the intent of it’s [*sic*] writers at the time it was written.”³⁵ And for the Militia of Montana:

James Madison and the other framers of the Constitution knew that in the future that if our Constitution was not *interpreted in the context and according to the history in which*

³² Kay Sheil, “A Document For All Time,” *Necessary Force* (June 1997), 3.

³³ Militia of Montana, “Homepage,” www.nidlink.com/%7Fbobhard/mom.html.

³⁴ Farley, “America Wake Up!” *Common Sense*, 7; Larry Watson, “A Charge to All,” *Necessary Force* (Aug. 1997), 8; Helen Johnson, “America ... Representative Republic Or Democracy?” *E Pluribus Unum*, 2/1 (Jan. 1995), 1; Kenneth Maue, Michigan Militia, “What is the Militia?” www.logoplex.com/resources/mom/whomom.html; Militia of Montana “Homepage”; American Freedom Network, “Are You Aware That?” Flyer (n.d.).

³⁵ Johnson, “Representative,” *E Pluribus Unum*, 1.

it was drafted, we would not have a proper understanding of the original intent of our founding fathers, or in the words of Madison, primary author and the supreme expert on the Constitution: “Do not separate text from historical background. If you do, you will have perverted and subverted the Constitution, which can only end in a distorted, bastardized form of illegitimate government.”³⁶

In the October 1997 issue of *Necessary Force* Carolyn Hart used the death of former Supreme Court Justice William Brennan to outline her objections to those who employed a less strict approach to constitutional interpretation. Although Brennan had been “eulogized” as someone “who had transformed the Constitution into a living document which could change according to the needs of American society,” Hart argued that he had actually done “irreparable damage to liberty because he interpreted the Constitution to fit his own views, allowing the federal government unprecedented power.”³⁷ In contrast, militia members like Hart do not see themselves as interpreting the Constitution according to their “own views”; as far as they are concerned, they are merely reiterating the views of the Founding Fathers from whom they see no reason to deviate. As Bob Gurski, another member of the Missouri 51st Militia, put it militia members are “not asking for anything new”; all they are asking for is “just what our founding fathers had promised in the Constitution of the United States.”³⁸

Yet recovering the intentions of the Founding Fathers is not the straightforward task militia members would have it be. Employing the doctrine of original intent as a means of constitutional interpretation is a process fraught with historiographic, if not political or jurisprudential difficulties.³⁹ It is a process where the search for a usable past meets the problem of the retrievability of the past. As Terence Ball and J. G. A. Pocock have reminded us, historical inquiry can pursue the “original intentions” of the Founding Fathers “to great effect but rarely with any finality,” because any attempt to go behind the printed word, in search of the “intentions” it communicates, entails a debate between “alternative readings and between alternative

³⁶ Militia of Montana, “Homepage.” Emphasis added. The same purported quote from Madison also appears in Johnson’s article [“Representative,”] for *E Pluribus Unum*; in *The Spotlight* [“The Militias Have Always Been a Part of the Founding Fathers’ Grand Design” (Dec. 1997), B-12]; and the *Kentucky Rifleman Newsletter*, 1/1 (1995), 5.

³⁷ Carolyn Hart, “Why the Constitution?” *Necessary Force* (Oct. 1997), 1.

³⁸ Bob Gurski, “The Path Widens,” *Necessary Force* (Feb. 1997), 5.

³⁹ For Leonard Levy, for example, “The more one looks at a jurisprudence of original intent, the more it seems politically motivated as a disguise for political objectives. The more one scrutinizes it, the more it seems a pose for reasoning from unquestioned subjective assumptions to foregone subjective conclusions.” *Original Intent and the Framers’ Constitution* (New York: Macmillan, 1988), 394.

contexts in which the text is to be read.” The best we might get, they suggest, and only then provided that a sufficient degree of contextualization has been employed, is a “legitimate reading” of the past based on the historical evidence.⁴⁰ For Ball and Pocock, this sense of historical indeterminacy means that where there is more than one “legitimate reading” of the intent of the Founding Fathers – as there may often be – any decision to “ascribe authority to one set of ‘original intentions’ instead of another,” although it may be based on historical “evidence,” is, in the end, “a judicial decision, rather than a historical statement.” And while it is “normal and proper” for jurists to make such a claim, “there are limits to their ability to claim *the authority of history* for what they pronounce because the point must be reached at which the historian is no longer their partner in the search for authority.”⁴¹

What Ball and Pocock are arguing for is a hermeneutical system that recognizes that the meaning(s) of an historical text is both rooted *in* time, and is acquired and altered *over* time.⁴² In this way the twin historiographic evils of presentism and relativism are held at bay: the past is subject to interpretation in the present, but is not endlessly malleable. Employing this method will, Ball and Pocock hope, make us more attuned to “the processes of conceptual change and consequent interpretation” by which eighteenth-century terms and language acquire twentieth- and now twenty-first-century meanings – the Second Amendment offering a particularly useful example of this in respect of the militia movement. Demands for a jurisprudence of original intent, they say, “cannot be a call for the abolition of interpretation; it must, rather, be a call for interpretation to be conducted according to certain rules.”⁴³

These “rules of interpretation” are wide-ranging and manifold. They are themselves the subject of political, judicial, cultural and historical contestation. They are rules of cultural and political authority which raise questions beyond the scope of this article as to who, in what circumstances, and on

⁴⁰ Terence Ball and J. G. A. Pocock, eds., *Conceptual Change and the Constitution* (Lawrence: University Press of Kansas, 1988), 8.

⁴¹ *Ibid.*, 9. Emphasis added. It is worth remembering, though, that it is not only Supreme Court justices who feel able to make authoritative pronouncements on the Founding Fathers’ intentions. Such declamations are part of the daily clamour of political, social and cultural life in the United States. With varying degrees of historical sensitivity, but with the need for a usable past usually the predominating concern, politicians, journalists, cultural commentators and historians alike, announce what the Founding Fathers’ “intentions” were on a particular subject. In this environment, the militias’ is just another voice added to the rhetorical din.

⁴² For criticisms of Ball and Pocock’s approach see Harlan, *The Degradation of American History* 3–31.

⁴³ Ball and Pocock, *Conceptual Change*, 9.

what basis, should be allowed to speak for the past. Yet they also serve to determine the answers to a familiar set of questions, questions pertinent to the militias' endeavours to remember and reconstruct the past, and questions which are no less significant for all their familiarity. Whom do we count among the Founding Fathers? Are the views of certain Founders to carry more weight than others? Are the Framers of the Constitution more important than its Ratifiers? On what historical evidence, and on what level of scholarship, do we rely in order to reconstruct the Founders' intentions? These are basic questions which any proponent of original intent has to address, either explicitly (as one might expect of the professional historian) or implicitly in the actual practice of recovering meaning from the past (as tends more to be the case with non-professional historians, mainstream and extremist political actors alike).

Again, it is perhaps worth stressing that the militias answer these questions in a conventional manner. It is Madison, Jefferson, Hamilton, Adams, Washington and Franklin who are predominantly identified as the most important Founding Fathers, although just as often a generic, "*The Founding Fathers*," stands in their place. It is the intentions of these Framers with which we should be concerned, and the words of these Framers, whether in their published writings, public speeches or "private" correspondence that we should rely upon. Above all, militia members suggest, it is to Madison and to *The Federalist Papers* that we should look if we are to recover, for instance, what the Founding Fathers "had in mind for the new Republic they created": to Madison as "the primary author and supreme expert on the Constitution"; and to *The Federalist Papers* because they "were written by the people who wrote the Constitution and were written to interpret the Constitution."⁴⁴

Nor should this be surprising: these are the key symbolic figures and the key symbolic texts relied upon within mainstream America. They are part of the commonly accepted "rules" of constitutional interpretation. Madison may or may not have supported the doctrine of original intent, but he has nonetheless become the acknowledged "Father of the Constitution." *The Federalist Papers* may have been written less as a reflective guide to the minds of the Framers, and more as a persuasive and highly partisan tool for use in the midst of a ferocious political battle, but this is not how they are treated now.⁴⁵ The militias share with Jack Rakove, to take but one prominent

⁴⁴ Jon Roland, "Reviving the Ready Militia," *Common Sense*, 4–5.

⁴⁵ On the debate over whether Madison was in favour of original intent see Levy, *Original Intent*, 1–29; and Jack. N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: Alfred A. Knopf, 1996), 339–45.

example, the view that “We simply cannot understand how or why the Constitution took the form it did unless we make sense of Madison.”⁴⁶ Some historians may rail, quite rightly, against the stifling conformity of the historical canon, but its existence and access to it, play a central role in conferring the “authority of history” upon those who seek to influence our interpretation of the past.⁴⁷ It is therefore understandable that the militias should also want to be able to employ the canon, even if sometimes – as with the Militia of Montana’s quotation of Madison’s injunction not to “separate text from historical background” – their desire for the historical and cultural authority it conveys seems to overwhelm any concomitant need for historical accuracy.

THE AUTHORITY OF HISTORY

The militia movement’s engagement with the American founding provides a revealing illustration of how groups of “ordinary” people are wrestling with, and are attempting to resolve, some of these historiographic problems. In the Militia of Montana’s call for the Constitution to be interpreted “in the context and according to the history in which it was drafted” there is, for example, an *implicit* acceptance of Ball and Pocock’s argument that the “words” of the Founding Fathers can only be properly understood when they are examined in time, and, seemingly, a recognition of the processes by which the meaning of those words can change over time, so that ideas once regarded as commonplace may become outmoded, anachronistic, even dangerous. This is evident, for example, in both the militia movement’s embrace of the “individual rights” model of the Second Amendment and in their stress on the importance of the right of revolution contained in the Declaration of Independence.⁴⁸

⁴⁶ Rakove, *Original Meanings*, xvi.

⁴⁷ See, for example, Saul Cornell, “Moving Beyond the Canon of Traditional Constitutional History,” *Law and History Review*, 12/1 (Spring 1994), 1–28.

⁴⁸ From the vast literature on the Second Amendment, see, for example, David C. Williams, “The Militia Movement and the Second Amendment Revolution: Conjuring with the People,” *Cornell Law Review*, 81 (1996), 879–952; Glenn Harlan Reynolds, “A Critical Guide to the Second Amendment,” *Tennessee Law Review*, 62/3 (Spring 1995), 461–512; Keith A. Ehrman and Dennis A. Henigan, “The Second Amendment in the Twentieth Century: Have You Seen Your Militia Lately?” *University of Dayton Law Review*, 15/1 (1989), 5–58; Lawrence Delbert Cress, “An Armed Community: The Origins and Meaning of the Right to Bear Arms,” *The Journal of American History*, 71/1 (June 1984), 22–42; Robert E. Shalope, “The Ideological Origins of the Second Amendment,” *The Journal of American History*, 69/3 (December 1982), 599–614; and Joyce Lee Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right* (Cambridge: Harvard University Press, 1994). On the

However, the implications of this apparent recognition – and it is an *apparent* recognition more than an actual one – are not fully appreciated by the militias. The complexity of historical understanding it threatens to reveal is never completely grasped. There is considerable tension with the militias' idea of the past being readily and easily accessible, for example. Whereas historians such as Ball and Pocock conclude that such contextualisation may lead only to a range of possible meanings being located in the past, the militias prefer to find unassailable certainty – a Constitution that is quickly decipherable and Founding Fathers who are simply understood. Moreover, once recovered the militias seem to take the view that the Founding Fathers' intentions should be inherently and overridingly authoritative, overcoming all other considerations. This is the militia movement's own primary rule of constitutional interpretation. It is this sense of historical certitude that, in part at least, leads militia members to their much criticized denunciations of conspiratorial manipulation or apathetic neglect. Because if the promises and designs of the Founding Fathers are so clear to militia members, why, those militia members must feel entitled to ask, are they not as clear to their fellow Americans? What has intervened? Who is to blame?

Rather than producing an enhanced understanding of the processes by which meanings change over time, it is precisely the effect of “conceptual change and consequent interpretation” in relation to the American founding that, in many cases, the militias seem to be *objecting to*, and are attempting to *resist*. It is these changes that, in their view, have created the need for the Constitution to be interpreted “in the context and according to the history in which it was drafted” in the first place. These are precisely the *mediated* influences militia members wish to circumvent. This, for example, is how Jon Roland of the Texas Constitutional Militia begins an essay on the “Declaration of Constitutional Principles”:

Whereas, during the course of history usurpers have attempted to misconstrue certain principles of constitutional republican government for their own ends, and that the original language of the Constitution for the United States did not anticipate all the ways it might be misinterpreted, we hereby set forth some of those principles with greater clarity using more modern language.⁴⁹

militias' use of the Declaration of Independence see, for example, Halpern and Levin, *Limits of Dissent*, 102–04; Garry Wills, *A Necessary Evil: A History of American Distrust of Government*. (New York: Simon & Schuster, 1999), 217–18; and David C. Williams, “The Constitutional Right to ‘Conservative Revolution,’” *Harvard Civil Rights-Civil Liberties Law Review*, 32 (Summer 1997), 413–47.

⁴⁹ Jon Roland, “Declaration of Constitutional Principles,” www.constitution.org/mil/tx/mil_ustx.htm.

And members of the Ohio Unorganized Militia explained that they had decided to

form an organization to educate ourselves and our fellow countrymen concerning America's history, the United States Constitution, principles of Constitutional government, and responsible citizenship, so that we might conceive and advocate solutions to a growing number of grave national problems *which have been created primarily by a departure from the aforementioned principles.*⁵⁰

Far from accepting conceptual change and shifting interpretations of the Constitution as a necessary and inevitable response to economic, social and political change over time – to the process of history itself – many militia members seem to want to deny that history, preferring to see the Constitution in that pristine, frozen moment when its meaning was first fixed. Ironically, the impact of the forces of historical change on these militia members seems to have led not to a greater understanding of history, but to an attempt to *escape* history.

One of the results of this approach is the militia movement's often simplistic comparisons between conditions as they are now and those that were "supposed" to be in the past, comparisons which ignore, or at least downplay, the historical developments that have occurred to take the United States from one position to the other. To pursue this point in detail would require an entirely separate article, but many of the changes the militias object so vehemently to – government's increasing involvement in the everyday affairs of the people, a shift in power to the Federal government at the expense of the states, America's more extensive engagement in world affairs, and so on – have taken place *within* the political and institutional system designed by the Founding Fathers, rather than *against* it. And it is a reluctance to recognize and acknowledge these processes of change, which, to a considerable extent, marks out militia members as "extremist," rather than any of their historical claims in themselves.

⁵⁰ The Ohio Unorganized Militia, "Statement of Principle and Mission," www.home.mega-linx.net/~eplurib/home.htm. Emphasis added.