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George A. Mocsary

University of Wyoming - College of Law, gmocsary@bigfoot.com

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MONOPOLY OF VIOLENCE

To Shake Their Guns in the Tyrant's Face: Libertarian Political Violence and the Origins of the Militia Movement,
by Robert H. Churchill. University of Michigan Press, 384 pages, \$35

ROBERT CHURCHILL'S *TO SHAKE THEIR GUNS in the Tyrant's Face* comes at the perfect time. Two years after declaring (at long last) that the Second Amendment secured an individual's right to keep a gun, this summer the Supreme Court in *McDonald v. City of Chicago* applied this principle to the states: they may regulate guns, but not ban them.

To date, the best research on the Second Amendment has been done by legal scholars. Historians have largely been funded by organizations that favor gun control, with predictable results. It is to his credit, then, that Churchill, a professor of history at the University of Hartford, has written this unusual, thoughtful study of the role of militias and their relation to the Second Amendment.

He argues that, in protecting individual gun possession, resistance to political tyranny was just as important to the framers as self-defense. "Though the debates of 1787–92 do include language evocative of an individual right," Churchill writes, "the overall discussion revolved around the institutional organization of political violence," i.e., militias. Whether the right was individual or collective in emphasis, however, "the purpose behind the amendment was the same: to vest in the Constitution the right of the people to retain the capacity to wage the natural right of resistance to tyranny." In other words, violent resistance can itself be a constitutional safeguard, a means to check government, not merely overthrow it.

Churchill's position will not satisfy either side of the gun debate. Conservatives who view gun possession as an individual right, unconnected to militia service, will bridle at his emphasis on institutional resistance. Most liberals will be appalled, in turn, because they insist on tying gun rights to service in official, state-run militias, and because these have fallen in desuetude, so must the right that militias served to justify. In Churchill's view, this argument misses the mark, and he does much to counter it.

To Shake Their Guns in the Tyrant's Face is a work in three acts, each a snapshot of a period in our "collective memory" of the American Revolution. First, there is the "precedent of 1774," Churchill's term for the founders' belief in private arms as an "insurrectionary check on government." He uses Fries's Rebellion of 1799 as a case study to explore early views on the bound-

aries of legitimate resistance, and the militia as a "bulwark against despotism." That uprising, led by Pennsylvania Dutch farmers, sought to resist a tax levied to fund the French-American Quasi-War. Angered by assessors strolling through their towns and counting heads, the rebels chased them out; the uprising's leaders were arrested eventually (and pardoned, by President John Adams). As the revolutionary era drew to a close, Thomas Jefferson, taking office in 1801, repudiated the use of force as a check on government—even though his own selection as president by the House of Representatives, following the electoral college deadlock in 1800, had been preceded by assurances from the governors of

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Pennsylvania (Thomas McKean) and Virginia (James Monroe) that their state militias stood ready to resist any attempt by the House to impose a Federalist president upon the country.

The Civil War inaugurated the "era of American countersubversion," during which the taking up of private arms, in the Northern mind at least, became the essence of illegitimacy. In 1863–64, what some perceived as Lincoln's heavy-handedness led to calls for resistance that coalesced into the Order of the Sons of Liberty, named after the original Sons of Liberty that claimed Samuel Adams, Paul Revere, and Patrick Henry as members. The new Sons were, in fact, a band of Copperheads who organized an armed anti-Union conspiracy. The conspirators were tried in military tribunals, but rebel leaders again found reprieve—this time in the Supreme Court, which, in *Ex parte Milligan* (1866), held that citizens must be tried in civilian courts, so long as the latter continued to function (as they had). The conspirators claimed that the verdict validated their resistance to Lincoln's government. Nevertheless, observes Churchill, after

the war, not only would most citizens accept the state's monopoly on violence, they saw it as their patriotic duty to do so.

The fascinating, unpredictable rise in the mid-1990s of a vociferous militia movement broke with this 150-year-old consensus. What Churchill calls federal "paramilitary policing" (mainly by the FBI and ATF), coupled with an "emerging war on guns," once again revived the "precedent of 1774." Militias sprang up in a number of states after fearsome clashes at Ruby Ridge, Idaho, and Waco, Texas, which the militiamen saw as instances of government overreach met by constitutional civilian force.

NO OTHER BOOK PARSES THE CONTEMPORARY militia movement so carefully. Churchill describes the movement's evolution into competing "constitutionalist" and "millenarian" wings—the former emphasizing civic duty and open membership, the latter simmering with bigotry and apocalyptic paranoia. (He describes, too, how critics of the movement deliberately try to conflate the two.) Yet what the two seem to share, in varying degrees, is an unshakable distrust of government and a reading of history in which many within the governing classes have been willing routinely, since the Civil War, to suppress their political opponents. The book cites Franklin D. Roosevelt, for example, who unleashed the FBI against his domestic opponents. Churchill draws persuasive parallels between the brown scare of World War II (when German-American loyalties were questioned), the McCarthyist red scare that followed (its leaders drew lessons from the brown scare), and the second brown scare of the 1990s, directed at private militias. He notes, too, the questions raised concerning President George W. Bush's assertions of power after 9/11 to conduct warrantless surveillance and to detain American citizens as "enemy combatants." Above all, the author shows that the instinct to meet government force with arms is—whatever else it may be—a recurrent part of our history.

George A. Mocsary is co-author (with Nicholas J. Johnson, David B. Kopel, and Michael P. O'Shea) of the first legal textbook on the Second Amendment and firearms policy, forthcoming from Aspen Publishers in 2011.