

Militias

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May 10, 1995

THE FEDERAL GOVERNMENT'S POWER TO
REGULATE PARAMILITARY ORGANIZATIONS

1. Summary

The federal government, by legislation, may require paramilitary groups to:

- register their existence with federal authorities;
- notify federal and state authorities when they engage in combat maneuvers and military training;
- disclose a list of members; and
- provide an inventory of weapons.

2. The Power to Regulate Private Military Organizations

It is well-settled that private military associations can be regulated by the state government. Both the Supreme Court in 1886, and, more recently, a United States District Court in 1982, have upheld the power of state governments to ban private military activities. These cases make clear that there is no constitutional right to associate as a private military organization.

In Presser v. Illinois, 116 U.S. 252 (1886), the defendant was indicted under an Illinois statute which prohibited "any body of men whatever, other than the regular organized volunteer militia of this State, and the troops of the United States, to associate themselves together as a military company or organization, or to drill or parade with arms ... without license of the Governor thereof, which license may at any time be revoked...." 116 U.S. at 253. In upholding the prosecution, the Court stated:

The right voluntarily to associate together as a military company or organization, or to drill or parade with arms, without and independent of an Act of Congress or law of the State authorizing the same, is not an attribute of national citizenship. Military organization and military drill and parade under arms are subjects especially under the control of the government of every country. They cannot be claimed as a right independent of law. Under

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our political system they are subject to the regulation and control of the State and Federal Governments....

116 U.S. at 267 (emphasis supplied).

More recently, in Vietnamese Fishermen's Association v. The Knights of the Ku Klux Klan, 543 F. Supp. 198 (S.D. Texas 1982), an association of Vietnamese fishermen sought to enjoin the military arm of the Ku Klux Klan (the self styled Texas Emergency Reserve) from associating in private military or paramilitary companies under a Texas statute which was virtually identical to the one at issue in Presser. The group sought the injunction on the ground that it was necessary to remedy violations of their civil rights, and to protect them from racial intimidation and violence.

In reviewing the KKK's challenge, the district court stated that it could find "no authority for the proposition that military operations ... are protected by the First Amendment." Id. at 208. As an initial matter, the court concluded that military activities constitute "conduct," rather than "speech." The court further noted that even if such military activity could be characterized as speech, "the threat of violence ... is precisely such an irrefutable and dangerous 'communication' that it resembles the use of 'fighting words,' and, therefore, is not protected by the First Amendment." Id. (citing L. Tribe, American Constitutional Law, § 12-8, at 605). See Chaplinsky v. New Hampshire, 315 U.S. 568, 572 (1942).

Most importantly, the court held that private military activity could be regulated even if it assumed that such conduct were an exercise of free speech. The Court noted that, under United States v. O'Brien, 391 U.S. 367 (1968):

"A governmental regulation is sufficiently justified if it is within the constitutional power of the Government; if it furthers an important or substantial government interest; if the governmental interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest."

Id. at 209 (quoting O'Brien, supra, 391 U.S. at 377).

The court pointed out that (a) under Presser, the state has the power to regulate private military activity; (b) the government interest in regulating such activity -- in view of its inherent danger -- is weighty; (c) the government interest is not intended to, nor does it, suppress free expression; and (d) any

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restriction on First Amendment rights would be minimal, as the defendants were free to express their views by means other than the threat of military force. Id. See also Person v. Miller, 854 F.2d 656 (4th Cir. 1986), cert. denied, 489 U.S. 1011 (1989), (upholding contempt finding based upon a North Carolina statute similar to those in Presser and Vietnamese Fishermen's Ass'n).¹

Finally, it is important to note that regulation of paramilitary groups does not violate the "right of the people to keep and bear arms" under the Second Amendment. The courts in both Presser and Vietnamese Fishermen's Ass'n rejected arguments based upon the Second Amendment. See Presser, supra, 116 U.S. at 266-67; Vietnamese Fishermen's Ass'n, supra, 543 F.Supp. at 210. Indeed, we are unaware of any federal court decision striking down any gun control legislation on Second Amendment grounds.

Thus, in United States v. Miller, 307 U.S. 174 (1939), the defendant challenged, on Second Amendment grounds, his conviction for interstate transportation of a short-barrel shotgun under the National Firearms Act of 1934. In rejecting the defendant's argument, the Court explained that the Second Amendment's right to bear arms exists only within the context of a "well regulated militia." As the Court explained:

In the absence of any evidence tending to show that possession or use of a [short-barrel shotgun] at this time has some reasonable relation to the preservation or efficiency of a well-regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument ... With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view.

Id. at 178 (emphasis supplied). See also United States v. Lewis, 445 U.S. 55, 66 (1980) ("legislative restrictions on the use of firearms are neither based upon constitutionally suspect criteria, nor do they trench upon any constitutionally protected liberties"); United States v. Hale, 978 F.2d 1016 (8th Cir. 1992), cert. denied, 113 S.Ct. 1614 (1993); United States v. Toner, 728 F.2d 115, 128 (2d Cir. 1984).

Hence, the district court in Vietnamese Fishermen's Ass'n, supra, rejected the defendants' Second Amendment challenge to the injunction on private military action, stating:

¹ At least twenty-two other states have statutes barring private military associations. See, e.g., Cal. Penal Code § 11460; Conn. Gen. Stat. §§ 27-101, 27-102; N.Y. Mil. Law § 240. We are unaware of any state statute that has been successfully challenged.

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An injunction against defendants' military activities does no violence to the Second Amendment. By its express language, that Amendment prohibits only such infringement on the bearing of weapons as would interfere with "the preservation or efficiency of a well-regulated militia," organized by the State. United States v. Miller, 307 U.S. 174, 178, 59 S.Ct. 816, 818, 83 L.Ed. 1206 (1939); United States v. Birmley, 529 F.2d 103, 107 (6th Cir. 1976).... In short, the Second Amendment does not imply any general constitutional right for individuals to bear arms and form private armies. See United States v. Miller, 307 U.S. 174, 59 S.Ct. 816, 83 L.Ed. 1206 (1939); United States v. Cruikshank, 92 U.S. 542, 553, 23 L.Ed. 588 (1876).

543 F.Supp. at 210 (footnote omitted).

3. Implying Federal Powers to Regulate Private Military Groups

The Supreme Court, in Presser, recognized that the federal government, as well as the states, could regulate private military associations:

Military organizations and military drill and parade under arms are subjects especially under the control of the government of every country. They cannot be claimed as a right independent of law. Under our political system they are subject to the regulation and control of the State and Federal Governments....
116 U.S. at 267 (emphasis supplied).

There are a number of additional sources from which to imply federal power to regulate private military activity. First, Article I, section 8 of the Constitution, gives to Congress broad powers to raise and regulate armies.² Implicit in these powers (or necessary and proper to their implementation) is the right to prevent others from taking military force into their own hands.

Second, federal sovereignty under Article I, section 8, includes the power to regulate state militias as well. The National Guard is the only authorized militia on the state level. Gilligan v. Morgan, 413 U.S. 1, 9 (1973). As the Court recognized,

² Article I, section 8 provides that Congress shall have the power: "[t]o raise and support armies ... [t]o make rules for the Government and Regulation of the land and naval forces ... [t]o provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; [t]o provide for organizing, arming and disciplining, the Militia ... reserving to the States ... the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress ...".

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the federal government is authorized under Article I, section 8, to provide for organizing, arming and disciplining the Guard. King v. St. Vincent's Hospital, 502 U.S. 215, 216 n.2 (1991); Perpich v. Department of Defense, 496 U.S. 334, 344-46 (1990). Plainly, the federal government's authority to regulate state militias should permit similar restrictions upon private military activity as well.

Third, federal power to regulate paramilitary activity can be derived from the government's right to prevent insurrections; implicit in that right is the prerogative to take reasonable steps to prevent an insurrection before its occurrence. Cf. Martin v. Mott, 25 U.S. 19 (1827); Raymond v. Thomas, 91 U.S. 712 (1875).

Fourth, the federal government undoubtedly has broad power to protect itself from destabilizing forces. As a New York State appellate court observed in another context:

There can be no justification for the organization of [a private military] force. Its existence would be incompatible with the fundamental concept of our form of government. The inherent potential danger of any organized private militia, even if never used or even if ultimately placed at the disposal of the government is obvious. Its existence would be sufficient, without more, to prevent a democratic form of government, such as ours, from functioning freely, without coercion, and in accordance with the constitutional mandates.

Application of Cassidy, 268 A.D. 282, 51 N.Y.S.2d 202, 205 (2d Dept. 1944), aff'd, 296 N.Y. 926, 73 N.E.2d 41 (1947) (emphasis supplied). See also Vietnamese Fishermen's Ass'n, supra, 543 F.Supp. at 216 (finding regulation furthered a "vital government interest because the proliferation of private military organizations threatens to result in lawlessness and destructive chaos").³

Fifth, and finally, notwithstanding the recent Supreme Court ruling in United States v. Lopez, 1995 W.L. 238424 (April 26, 1995), federal regulation of private militias can be based upon the authority of Congress "[t]o regulate Commerce ... among the several

³ In Communist Party of the United States v. Subversive Activities Control Board, 367 U.S. 1, 95 (1961), the Supreme Court upheld the Subversive Activities Control Act based upon the unremarkable proposition that the federal government can take action to protect against threats to itself -- even without evidence of military training or military activity in the United States. While the cases upholding regulation of the Communist Party have not been explicitly overruled, they have been largely discredited.

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States...." under Article I, section 8, clause 3 of the Constitution (the Commerce Clause). While the Court's decision in Lopez may engender some uncertainty concerning the scope of Congressional authority under the Commerce Clause, it seems clear that legislation regulating private military organizations meets the criteria established by the Court's decision.⁴

In Lopez, the Court struck down the Gun-Free School Zones Act of 1990, which made it a federal offense "for any individual knowingly to possess a firearm at a place that the individual knows or has reasonable cause to believe, is a school zone." 18 U.S.C. § 922(g)(1)(A). In reaching its decision, the Court distilled its prior decisions based upon the Commerce Clause, and identified three categories of activity that Congress may regulate under the Commerce power: (1) the use of the channels of interstate commerce; (2) the instrumentalities of interstate commerce, or persons or things in interstate commerce, even though the threat may come only from intrastate activities; and (3) those activities that have a "substantial affect" on interstate commerce. Id. at * 6. After noting that the statute did not implicate the first two areas, the Court focused its analysis on the "substantial affect," concluding as follows:

The possession of a gun in a local school zone is in no sense an economic activity that might, through repetition elsewhere, substantially affect any sort of interstate commerce. Respondent was a local student at a local school; there is no indication that he had recently moved in interstate commerce, and there is no requirement that his possession of the firearm have any concrete tie to interstate commerce.

Id. at * 11.

There are several factors that distinguish regulation of private military activity from the legislation at issue in Lopez. Most importantly, the regulation concerns groups of people -- and weapons that have, presumably, been transported across state lines -- "in interstate commerce." Id. at * 6. Moreover, the activities of these organizations, which are comprised of large groups of

⁴ In his majority opinion, Chief Justice Rehnquist noted that the Court's decision "may in some cases result in legal uncertainty," but pointed out that "Congress has operated within this framework of legal uncertainty ever since this Court determined that it was the judiciary's duty 'to say what the law is'" Lopez, 1995 WL 238424 at * 10 (quoting Marbury v. Madison, 1 Cranch. 137, 177 (1803)).

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individuals, have a far more "substantial affect" on interstate commerce than a "local student at a local school."⁵ Id.

4. Disclosure of Membership Lists

In New York ex rel Bryant v. Zimmerman, 273 U.S. 63 (1928), the Supreme Court allowed disclosure of Ku Klux Klan membership lists under a New York state statute directing any association of more than twenty persons which requires an oath as a prerequisite or condition of membership to register and file with the secretary of state a copy of its constitution, by-laws, rules, regulations and oath of membership, together with a roster of its membership and list of its officers.

The authority to compel such disclosure was limited, however, by the Supreme Court in NAACP v. State of Alabama, 357 U.S. 449 (1958) and its progeny. In that case, the Court recognized that an order of a state court requiring the NAACP to make its membership lists available to the state would have a deterrent effect upon the members' right to freedom of association guaranteed by the First and Fourteenth Amendments. Consequently, the Court held that the NAACP did not have to turn over its membership lists because the state had failed to show a substantial interest in obtaining them. Similarly, in Gibson v. Florida Legislative Investigation Co., 372 U.S. 539 (1963), the Court stated that the test to reconcile the government's interest in seeking disclosure of an organization's members and the members' right to freedom of association is whether the state can "convincingly show a substantial relation between the information sought and a subject of overriding and compelling state interest." 372 U.S. at 546. See also Bates v. Little Rock, 361 U.S. 516 (1960); Louisiana ex rel. Gremillion v. NAACP, 366 U.S. 293 (1961).⁶

⁵ This is even more likely if the definition of a paramilitary organization were to require the participation of a minimum number of persons. For example, Connecticut's statute defines a private military force as "any group of five or more persons organized or associated together in a camp, group, organization, company, association or society, or in any other manner, for the purpose of drilling or maneuvering with firearms or other dangerous weapons, or with imitations, copies or replicas thereof, or for the purpose of giving or acquiring military training or experience...." Conn.Gen.St. § 27-101.

⁶ In several of the "Communist Party" cases, the Court found a compelling interest justifying disclosure of the names of members. See, e.g., Uphaus v. Wyman, 360 U.S. 72 (1959) (state's compelling interest in self-preservation justified disclosure of the names of persons who attended summer camps allegedly operated by subversive organizations). See also Communist Party of United
(continued...)

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There are several compelling government interests to justify obtaining the membership lists of private military associations. For example, the identity of members would be important to the federal government for the purpose of locating weapons and understanding the nature of the military activities engaged in or contemplated by the groups.

In addition, the federal government's well-recognized power under the Commerce Clause to require licensing and registration in connection with firearms and ammunition would similarly provide the authority to require disclosure of membership lists and an inventory of weapons. See generally 18 U.S.C. S 921, et seq.; 26 U.S.C. S 5841, et seq.⁷

5. Conclusion

Regulation of paramilitary groups by the federal government is both permissible under the Constitution and appropriate in view of the threat these organizations pose. Any regulation should be based upon clear legislative findings, and should define the groups to be regulated, focusing on their military activities. Statutes which are already on the books in close to two dozen states provide guidance for defining the groups and the prohibited activities.

Elizabeth Holtzman
Ronald J. Levine
Joshua F. Scheier

⁶(...continued)

States v. Subversive Activities Control Board, supra, 367 U.S. 1; Barenblatt v. United States, 360 U.S. 109 (1959); Wilkinson v. United States, 365 U.S. 399 (1961). As noted above, however, the continuing viability of the "Communist Party" precedents is questionable.

⁷ A number of constitutional scholars at Harvard University, New York University, the University of Southern California and other institutions were consulted in the preparation of this memorandum. None seriously doubted the federal government's power to regulate paramilitary organizations under appropriately drafted statutes.

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H.L.C.

(Original signature of Member)104TH CONGRESS
1ST SESSION**H. R.** _____

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHUMER introduced the following bill; which was referred to the
Committee on _____

A BILL

To guarantee a republican form of government to the States
by preventing paramilitary violence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Republican Form of
5 Government Guarantee Act".

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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H.L.C.

2

1 (1) section 4 of article IV of the Constitution
2 provides that the United States shall guarantee a re-
3 publican form of government to the States;

4 (2) organized criminal actions are an increasing
5 threat to the republican form of government in some
6 States;

7 (3) people who are responsible for upholding
8 the laws of the United States and the several States,
9 or people who assist them, have been threatened,
10 harassed, and assaulted because of these activities;

11 (4) this violence is having a chilling effect on
12 the democratic process because Americans are afraid
13 to participate in town hall meetings, express their
14 views publicly, or take part in the political process;

15 (5) most victims are targeted solely because of
16 their views or activism on controversial political is-
17 sues such as gun control, abortion, environmental
18 matters, or the role of government in society;

19 (6) this violence is causing a breakdown of law
20 and order in many parts of the United States;

21 (7) this violence has increased in part because
22 of unfounded exaggerations about the impact of re-
23 cent firearms laws such as the Brady Law and the
24 ban on assault weapons, as well as baseless conspir-
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Farr D-CA

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THE FORUM

Militias get smaller, more hostile

By Abraham H. Foxman

On April 19, 1995, Americans learned that we are not immune to acts of domestic terrorism. The Oklahoma City bombing and the arrests of Timothy McVeigh and Terry Nichols also introduced many citizens to the angry, volatile, conspiracy-laden world of the militias. McVeigh's trial, now entering the sentencing phase after Monday's convictions on all charges, is opening yet another window on the right-wing, anti-government extremist movement. Two years after the blast, what does the picture look like?

A cursory glance at the recent findings of a survey we conducted leaves the impression that the militia menace has receded. Several months after the Oklahoma bombing, militias were active in 40 states across the country. Today, militias operate in only 30 states. But there's more to the story. In the past 18 months, dozens of militiamen have been arrested or convicted for acting upon their conspiratorial beliefs — a dramatic increase in militia-related crime.

In February, Washington State Militia members were convicted on weapons and explosives charges. Testimony in court showed that the group practiced shooting using pictures of Attorney General Janet Reno and other federal agents. In March, 10 members of the Arizona Vipers were sentenced to prison terms of up to nine years after pleading guilty to conspiracy charges. At the time of their arrests, federal agents discovered an arsenal of illegal weapons and bomb-making materials at the home of the group's alleged leader.

While public militia activities have slowed in some states, there's been evidence that more dangerous operations lurk underground. E-mail from militia leaders has advised activists to dodge the eyes of the police and the press by holding small, private meetings and by keeping anti-government thoughts private. They've also advocated "leaderless resistance," a strategy of avoiding detection by operating in tiny phantom cells.

Like several states in the Midwest, Michigan has experienced a drop in public militia activity in the past. But it appears that government hostility has been percolating under the surface. Weeks ago, the



Relief: Scott and Sharon Coyne, whose daughter was killed in the Oklahoma City blast, embrace outside the Denver court Monday after McVeigh was convicted.

leader of the North American Militia, a small cell based in Kalamazoo, was arrested and charged with manufacturing pipe bombs and other illegal explosives in his home. Federal documents suggest he had plans that, if carried out, would have made him the next Oklahoma City-style bomber. They accuse him and several members of his group of targeting the Battle Creek federal building, the IRS building in Portage, federal armories and a local television station.

Today's militiamen have also expanded their repertoire. No longer do they fit the gun-toting, black-helicopter-spotting paranoid profile. Many militiamen — ly 50% in some parts of the country — are also involved in the "common law court" movement. Mem-

bers of these extralegal "courts" are engaged in a systematic effort to paralyze and eventually overthrow our nation's legal system and replace it with one of vigilante justice. These pseudofurists render unenforceable judgments and issue phony legal documents in an effort to intimidate or defraud their enemies.

Perhaps the most well-known anti-government militant to spout "common law court" gobbledygook is accused Oklahoma City bomber Terry Nichols, who described himself as a "common law citizen" in 1993 to justify using phony checks to pay off a credit card.

Like militia activists, "common law court" adherents use outlandish versions of American history and bizarre conspiracy theories to justify their activities. Some serve up bigotry on their menus, asserting that the rights of white citizens are God-given, while non-whites derive citizenship only through the 14th Amendment. One leading "court" group distributes the anti-Jewish forgery *Protocols of the Elders of Zion*.

The new breed of extremists are hardened activists with a range of anti-government weapons at their disposal. As militiamen, they are obsessed with stockpiling weapons and, as "common law court" members, they furiously deny the legitimacy of state and federal government. The combination has proved especially threatening to law enforcement agents, who have found themselves in bitter and occasionally deadly confrontations with these militants.

The current stagnation of the militia movement can largely be credited to increased vigilance by law enforcement officials. State-sponsored anti-paramilitary training laws have proved to be an effective deterrent when properly enforced — and the federal counterpart should be expanded for those circumstances in which local authorities can't or won't act against extremists. Statutes restricting the intimidation and harassment tactics of "common law courts" will provide public officials with the legal protection they deserve.

Enactment of these measures would go a long way toward preventing a repeat of Oklahoma City.

Abraham H. Foxman is national director of the Anti-Defamation League.



The Terrorist Next Door

By Karen Mathews

"Lady, you would be so easy to kill." More than three years later, these words still haunt me. My assailant growled this threat, as I lay in the darkness on the floor of my garage, stunned and dazed from being beaten, kicked and knifed. Then he put a gun to my head and dry-fired it several times.

This was no random attack or botched burglary. The man who all but killed me was a member of a disciplined organization with a specific mission. And bizarre as it may seem, I had been targeted because of my job. I am the elected Clerk-Recorder of Stanislaus County in central California, a sleepy-sounding title until paramilitary groups discovered that harassing and intimidating officials like me is a way to attack the basic workings of government. One of their tactics is to try to file liens against the property of Internal Revenue Service employees and other officials they regard as the enemy.

In California alone, clerk-recorders in 49 of the state's 58 counties have reported threats ranging from fist-pounding intimidation to verbal threats of harm. This is part of a guerrilla war against democracy going on far below the level of an Oklahoma City bombing. With all reverence for victims of that attack, I often felt while following the trial of Timothy McVeigh that the events are related in spirit if not in fact.

My nightmare began in early 1992. I was approached on several occasions by a small group of individuals who demanded I record various illegal documents, usually fictitious "common law" liens against property owned by IRS employees or local elected officials, of course, to do so.

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After that, my staff and I became targets of threats and hostile acts. I received anonymous telephone calls at the office and at home. A fake bomb was placed under my car. Bullets were fired through the office windows. A single bullet was mailed to my home with a message stating, "The next bullet will be directed at your head."

Then came the attack in my garage on Jan. 30, 1994, that changed my life. "Do your job. Record our documents," my assailant said over and over. "You are a messenger to all the recorders. This could happen to them, too."

Aside from my feelings of fear, anger and disbelief, I was totally perplexed about who would go to such

Attacks on local officials are threats to democracy.

extremes to terrorize a county recorder. My nonpartisan office handled few if any controversial matters. The answer came more than a year later, when, after exhaustive efforts by F.B.I. and I.R.S. agents and local law enforcement, nine people were arrested and charged with various Federal crimes, including the attack on me.

All nine were members of the Juris Christian Assembly, a shadowy group specializing in tax protests and other resistance to government. My assailant was an Oregon man with militia connections who came to Modesto, as the inquiry later showed, to terrorize me. He had previously been accused of threatening two California state senators.

Last year, a Federal jury in Fresno, Calif., convicted him and the eight other defendants. They are currently awaiting sentencing.

Although I was relieved when the verdicts were announced, my emotions were constrained. My life has changed. I now carry a gun and have been trained in martial arts. For the last three years, guards were with me 24 hours a day. Even though my attacker is going to prison, I still live under heavy security. Last month, a man came into our office, quickly took photographs of my staff, and hurried out.

Other recorders I know are being threatened. A man recently told a county clerk in the San Francisco Bay Area: "You know what happened to that woman in Modesto. You better be careful."

According to the Justice Department, every county in California has formal militia groups. Just last month, several people with militia ties were arrested in two Northern California counties after authorities said they were found with blasting caps and 500 pounds of high explosives, stolen from a mine in Montana.

I'm most familiar with what is happening in California, but the problem is nationwide. The recent siege by the Republic of Texas group, essentially began with "paper terrorism"—the filing of bogus liens. According to the Anti-Defamation League, anti-government extremists are using "common law" courts and similar tactics in at least 23 states.

It is difficult to comprehend or convey the anger and crazy sense of misguided patriotism embraced by these people. For example, after I refused to record one man's illegal "common law" lien, he told me, "You are guilty of treason." He then snarled, "I am a sovereign citizen of the Republic of California, not the corporate United States, and the laws you enforce restrict my God-given rights."

Efforts are being made to stop the intimidation. After I was attacked, California enacted a law making it a crime to threaten a public official, their employees or families. A bill in the California Legislature right now

would take some pressure off county recorders by moving disputes to their proper forum, the courtroom. If someone demanded that we file a bogus lien, we could refer the case to a judge immediately.

In Washington, Representative Charles Schumer of New York, who has led the fight against the militia movement, and my Representative, Gary Condit of California, are seeking Federal penalties on crimes associated with threats to public officials. In too many cases, local officials are intimidated by the militias. The Government has the ultimate responsibility to preserve our Constitution against the direct assault by these groups. Yet so many legislators in Washington remain complacent about the threat.

As I begin my life anew, I still find it hard to discuss some of the details of what happened to me. But I feel an anger that won't go away, not only against the self-styled patriots who harass us, but also against those who express or tolerate a certain "populist" support for anti-government extremism. □

Is anyone