

Antigovernment Militias Seek Support From County Governments



After Minneapolis police murdered [George Floyd](#) in late May 2020, the U.S. and the world were on the precipice of a cultural reckoning on racial injustice, marked by mass protests that swept the world. The day after the murder, as video of the violence hit the news and tensions were about to ignite, Bedford County, Virginia, passed a resolution in support of “the militia.” A similar resolution had passed in Campbell County, Virginia, earlier that year.

The next day, a local protest in Lynchburg, Virginia, turned violent after county-based militias from Bedford, Campbell and Amherst counties gathered in support of a restaurant owner who had shared [support](#) of a racist tweet. The responding militias essentially assumed law enforcement functions, and the resulting conflict was [characterized](#) in the media as a riot. When police arrived, they [deployed tear gas](#) against residents, and 15 protesters, most of whom were Black, [were jailed](#) – but none of the militia members who showed up faced repercussions.

Particularly noteworthy – and troubling – is that armed militias from neighboring counties [disrupted](#) a peaceful protest, resulting in a violent outcome. Two of those militias, Bedford and Campbell, had been recognized as county militias by their respective county board of supervisors – even though counties have no legal authority to recognize, let alone muster, a militia, [according to](#) Georgetown University’s Institute for Constitutional Advocacy and Protection (ICAP). When county governments pass resolutions in support of “the militia” – resolutions and ideas that militia organizers themselves often put before county governments – they end up empowering antigovernment groups, granting them a sense of legitimacy.

Unconstitutional county militias

Hatewatch examined this county militia movement. Its research was not a comprehensive look at all counties in Virginia, let alone the rest of the country. Instead, Hatewatch sought to illustrate the continued movement around this idea of county militias and the idea's lingering threat to democracy.

Over the past four years, a number of antigovernment groups have lobbied county governments to legitimize local militias through official resolutions that promise recognition. These debates and resolutions have occurred mostly in Virginia, where they peaked in 2020, but they have also popped up more recently in counties in New York and Illinois, and one town in Michigan.

Although it's not new for the antigovernment movement, which includes militias, to try to influence local government, the current move for county recognition brings a new set of concerns and complications. The county militia resolutions that Hatewatch reviewed do not clarify who oversees the militias. Additionally, the militias in question have command structures and choose their own leadership without input or oversight from the county. That seems to imply they function with a degree of local government support but without local government accountability.

Many of these militias, whether recognized by a county government or not, insist that they exist to help with emergencies and disasters. After the Jan. 6 insurrection, this narrative [became key](#) to militias' public image as they sought greater legitimacy and to weaken their association with the violence at the U.S. Capitol.

This local structure of militias harks back to the modern militia movement's roots in the 1990s, when many claimed to be benign, auxiliary law enforcement or preparedness entities, all the while engaging in paramilitary training for what they viewed as imminent war with the federal government. John Trochmann, a leader of the 1990s militia movement, once [told Congress](#) that militias were merely versions of a neighborhood watch. That type of misdirection continued through such militias as [Oath Keepers](#), which repeatedly [claimed](#) it was concerned with emergency preparedness, even as it planned the insurrection. (Trochmann is not affiliated with Oath Keepers.)

Examination of the resolutions brought before county boards of supervisors, as well as the language militias use to articulate their mission and goals, reveal, however, that such militias are tied ideologically to the conventional [antigovernment movement](#):

- One anthropologist who spent time recently researching Virginia militias on the ground [wrote](#): "Many militia members I interviewed expressed intense apprehension of tyrannical government overreach. They felt their constitutional rights were in immediate jeopardy."
- Virginia Military Alliance member and organizer Paul Cangialosi [said](#) at one county board meeting, "I don't want to sound like I want to take up arms but that was what the founding was about, protecting against tyranny."
- The resolution passed by Campbell County [included](#) this phrase as a purpose for the militia: to act as a "barrier against a tyrannical government."
- VA 1-13, a group named after the section of the Virginia Constitution that deals with militias, went so far as to argue that without the militia, citizens are defenseless against a government voracious for our rights: "A County Militia is necessary because the intent of bills like HB 961 is to render the individual gun owner fearful and defenseless, waiting for a high-profile raid against him, and subsequent felony charges. Without a Militia and notification system, he will not continue to publicly exercise his rights. The risk is too great."
- Bedford County Militia on its site claims that it exists not only to help with community service and natural disaster response, but to resist "communist China or a resurgent Russia, or by domestic foes of a tyrannical government that is antithetical to our Constitution and enemies of our country." This conveniently does not discuss what a "tyrannical government" is and – consistent with statements from other antigovernment groups – focuses on communism as the main threat to the country.

Vague resolutions and zero oversight

At least 30 of Virginia's 95 counties have considered a militia resolution, been asked to consider one, have had campaigns for recognition, or have been the site of a muster for a county militia. In three counties – Bedford, Campbell, and Tazewell – and the independent city of Norton, the boards of supervisors passed resolutions supporting local militias, although no specific local militias were named in the resolutions.

One county in New York, one in Illinois, and a Michigan township have also been asked to consider militia resolutions. In the case of Holton Township, Michigan, the town government passed a resolution in support of a local militia.

Of the counties that produced militia resolutions, all seem to have stopped short of forming a militia or creating oversight for one. Bedford and Campbell counties, for example, had resolutions expressing "support" for the militia, where the militia would remain a separate entity from county government. Tazewell County's resolution, however, went a step beyond the others by stating the county would help fund the militia, as well as the Girl Scouts, Boy Scouts and the Reserve Officers' Training Corps. Here, too, the resolution said nothing about who would supervise the militia.

None of these resolutions, then, created a militia that would be an arm of local government. They seem instead to support the general idea of a citizen-led militia without implementing command hierarchies, oversight or supervision, thereby leaving it to residents to form and operate the militia. As no actual, existing militias are named in the resolutions, it is not clear if the resolutions support only one militia or whether the resolutions could support several. The Bedford County attorney, for example, said during a discussion at a county board of supervisors meeting that, although the resolution recognized the militia, it was under the supervision of neither the county government nor the sheriff. This also seems to be the case with Campbell County and the city of Norton, which each passed resolutions yet did not provide any guidelines concerning how or when a militia is to be called up or specify who is accountable.

The reason for the lack of clarity in the resolutions may arise from the fact that counties have never had the constitutional authority to form or deploy a militia. The existence of a county militia is unconstitutional on the state and federal levels, [according](#) to Georgetown University's ICAP.

[Under the U.S. Constitution](#), ICAP notes, Article I, Section 8, says Congress is responsible "for calling forth the Militia" and for its funding, organizing and discipline, while Article II, Section 2, empowers the U.S. president as commander in chief of the militia. A later law, the Militia Act of 1792, provided the basis for states to organize militias, a system that would become the National Guard. These laws and principles provided no procedure for counties to recognize, let alone support, a local militia. They clearly illustrate how the framers of the state and federal constitutions placed responsibility for any group of citizens called up for militia service squarely in the hands of the federal government and the executive branch of states, not in self-organizing groups of county residents.

The Bedford County Militia's mission statement, for example, misses these points when it states the militia's mission is "to educate, organize, and train the local militia so it is well-regulated, or in good working order, such being necessary to the security of a free state and its proper, natural, and safe defense." The militia in this case seems to have co-opted what is the actual job of Congress and the governor. As ICAP's Jacob Glick explained in an interview with Hatewatch, county militias exist outside that legitimate chain of command. "Those [county militias] are unauthorized paramilitary groups," he said.

It should be noted that most of the 30 counties reviewed by Hatewatch did not recognize local militias. Many put off voting for resolutions or musters. Other county boards were concerned about legal

liability issues, and the Nottoway County attorney suggested during a board meeting on Feb. 24, 2020, that the liability exposure “could potentially be a high amount.”

There are signs, however, that the idea of such county militias, despite their unconstitutionality, continues. Michael Routon, a local militia organizer, is [pushing](#) for recognition of the Amherst County Militia. There are also moves [to create](#) a militia-like force under the sheriff of Nassau County, New York, where [several deputies](#) have already been trained. This has raised alarms locally, as the militia would answer directly to the proponent of the bill, County Executive Bruce Blakeman. According to *The New York Times*, Blakeman said the force could be used not just during natural disasters but also against “[a riot](#),” which is a politically charged word often referring to large protests by people of color. A push to recognize a militia in Pike County, Illinois, [has also begun](#) this year, seemingly out of fear of immigration. The county does not seem to have given its endorsement of a militia, as the state attorney, echoing the same constitutional rationale as ICAP, said the local government did not have the legal authority to pass such a resolution.

County musters

Recognition of local militias is just one side of this story. Musters – or gatherings – were also organized during this time. Militias or militia organizers have used musters in this context to gauge local interest by asking interested residents to come out in support of, and even volunteer for, the militia.

Musters, like militias, are also illegal outside of state or federal authority. Parading or training as a group with arms is clearly prohibited, and according to ICAP, a great deal of case law and legislation supports the prohibition. In 1886, for example, the U.S. Supreme Court ruled in [Presser v. Illinois](#) that prohibiting musters, armed parades and the like does not deprive individuals of their constitutional right to bear arms. There is a clear prohibition of organized groups taking on the role of government and the power to use force, coercion and violence. As the justices ruled in *Presser*:

“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 our political system they are subject to the regulation and control of the state and federal governments, acting in due regard to their respective prerogatives and powers.”

Although some militias have asked for county support of their muster, many musters in 2020 were held without it. Several – including musters in Franklin, Botetourt, Floyd, Roanoke, Campbell and Bedford – were organized and hosted by Gun Owners of Virginia (GOV), according to GOV’s Facebook page. It is unclear who ran that organization; the website associated with it is now defunct. When its website was functional, it specifically promoted the Floyd County muster.

These musters in Virginia began in early 2020 and continued throughout that year. Based on militia self-reports and news coverage, more than 1,200 people attended musters in 2020. This included events in Bedford County (500), Warren County (200+), Botetourt County (200-350), Amherst County (130), Campbell County (100), Nelson County (80) and Floyd County (70).

The organizers

The current county militia movement stresses its grassroots origins, yet these local initiatives, like so much in politics, in turn have been encouraged and even organized at times by statewide and national interest groups.

These groups have provided messaging and resolution templates, in addition to rallying in the state capital of Richmond to support organizing local musters.

- Virginia Citizens Defense League (VCDL), a statewide organization opposed to gun reform, is a central organizing force for the county militias. VCDL organized the Second Amendment protests in Richmond in January 2020, at which it [claimed](#) militias provided security. It also was a [collaborator](#) of the [Second Amendment sanctuary movement](#) in Virginia, which directly preceded and influenced the county militia movement. Scott Booher, an organizer of the Botetourt militia muster, [said](#) that VCDL's Second Amendment protest helped motivate him in his militia work. *Mother Jones* [reported](#) a similar effect on Wes Gardner and Daniel Abbott, who helped found the Bedford and Campbell militias after they attended the protests. And the Political Research Associates magazine *The Public Eye* [ran a story](#) called "County Capture," which also discusses VCDL's involvement.
- Gun Owners of Virginia (GOV), whose website is defunct, previously listed muster calls and a mustering how-to guide. The group's Facebook page claims that GOV was the Facebook organizer for the musters of Roanoke, Campbell, Bedford, Franklin, Botetourt and Floyd counties. It also included draft Second Amendment sanctuary resolutions that were adopted in numerous counties.
- Virginia Militia Alliance (VMA) seems to have helped with the lobbying and promotion of the idea of county militias and musters to "restore constitutionally legitimate militias in the state," [according](#) to VMA administrator Jennifer Bailey. At least one member of VMA, Paul Cangialosi, advocated locally for county militias, appearing at board of supervisor meetings in [Nelson](#) and [Augusta](#).
- VA 1-13 is a group named after the section of the Virginia Constitution that deals with militias. It helped this movement by supplying resolution drafts. Augusta, Charlotte and Rockingham counties also [considered](#) VA 1-13 resolutions. One gun forum claimed that VA 1-13 handed out resolution copies at the VCDL Richmond Second Amendment protest in 2020.

Sometimes county militias work with national antigovernment groups. For example, the Appomattox County Militia hosted a presentation by Tactical Civics, a Texas-based group that is working to get militia ordinances passed in counties across the country.

County militias and Second Amendment sanctuaries

The move toward county recognition of militias began in earnest after the election of a Democrat, Ralph Northam, to the governorship. After the Democrats won both chambers of the Virginia Legislature during Northam's term, Virginia passed a series of [gun reform laws](#).

In response to Northam's promise to enact gun reform, such groups as the Virginia Citizens Defense League inspired counties across the state to adopt resolutions declaring themselves Second Amendment sanctuaries. Such policies espouse the antigovernment notion that counties can resist and effectively nullify state laws that their boards of supervisors deem unconstitutional. One pro-sanctuary site [claims](#) 91 out of 95 Virginia counties eventually passed sanctuary resolutions after Northam's election.

Some counties, including Bedford, directly tied Second Amendment sanctuaries to the need for a militia. The Bedford County Militia website features an article called "[The Militiaman's Creed](#)," which ends with a Greek phrase, *molon labe* ("come and take them"), a favorite of antigovernment extremists, including militias, who see themselves as modern-day Spartans battling for Second Amendment rights. Others, such as Tazewell County in Virginia and Holton Township in Michigan, added their militia resolutions as addenda to the Second Amendment sanctuary resolutions. This

creates a formal connection, and a formal record, linking the rationale for the formation of militias to local opposition to specific state, and potentially federal, policies.

Local government approval of militias was sought, at least in part, to try and circumvent state law by arming the local citizenry. Wes Gardner, who helped organize the Bedford County Militia, argued this very point when he [said](#) to a reporter about the Bedford County militia and muster: “This is the next natural progression from sanctuary status. ... We’ve been lobbying, we’ve been making phone calls, we’ve been sending emails.” Appealing to the state government did not work, so creating a militia is, to Gardner, the logical next step.

Don Heres, who supported Nelson County’s militia, [told a newspaper](#): “The whole idea of the 2A movement was to send a message to Richmond, and we felt like we were ignored by the legislature. So, our next step was to take it to the next level to prove that we are serious about the Constitution.” This is, in itself, evidence of a breakdown of government, as local citizens refuse to continue working through advocacy channels and instead turn to the implicit threat of a standing, armed militia. Essentially, the formation of county militias represents a rejection of robust democracy and the constitutional relationship among citizens and government institutions in favor of a militarized community – federalism negotiated through a rifle scope.

At least some resolutions were passed, or at least considered, by sympathetic county officials to provide legal cover for the militias, the boards and those participating. One Tazewell supervisor argued that the resolutions were part of a strategy to win in court if the state sued the county for raising an unconstitutional, local paramilitary organization. The supervisor went on to argue that the militia resolution was designed to allow the county “to hire lawyers to defend each and every one of us in the Supreme Courts,” according to Tazewell County minutes from the Dec. 3, 2019, board of supervisors meeting.

The rationale that links militias to politics is dangerous in that it envisions a new, *de facto* checks-and-balances system, one that does not appeal to legal means as set out in the U.S. and state constitutions. Instead, it’s based on armed intimidation and created with the consent of only a minority of the governed.

Uncertain leadership

The crisis in Lynchburg, when a man called in the militia to confront unarmed protesters, illustrates the lack of supervision and accountability inherent in armed militias. A restaurant outside the militias’ borders called them into action, and it is unclear if this was done with or without first calling law enforcement.

A number of county attorneys have argued, like ICAP does, that counties have no legal authority to call up and direct a militia. In the debate over the Bedford County resolution, the county attorney said the county and sheriff cannot supervise a militia. Similarly, the Campbell County attorney stated for the record that the county board was not empowered to call a militia into active duty. All the resolution did, the attorney explained, was express “a position by the Board on the support of a militia’s right to muster and the Board’s opposition to unconstitutional laws.”

The Bedford County Militia, for example, has taken its county resolution and seems to use it to legitimize its work, stating on its website that it is “drawing on the Militia Resolution passed by the Bedford County Board of Supervisors on May 26, 2020.” The group does not fully claim the mantle of the militia but rather as the organization that will train it. The Bedford County Militia’s website reads:

“... the Militia must be able to assemble and train, as individuals and collectively, to organize and to coordinate their ability to rapidly respond, so that in the event they are called by the Sheriff or the

Board and ordered by the Governor, or by the President, they can capably and expeditiously assist local civil authorities in times of need.”

This is an example of a local militia attempting to use a county resolution to legitimate its armed training and legal standing when counties do not have the constitutional authority to do so. It is a power they have taken on themselves through a misreading of constitutional passages and state law.

All of this reveals a seeming lack of checks and balances and systems of accountability that are at the heart of the U.S. Constitution, a document that so many militia members say they venerate. These county militias are patently unconstitutional, and Lynchburg provides an example of the trouble they can create. In Lynchburg, three militias acted as if they had authority to confront residents of a neighboring city. Where does the activity of militias assuming law enforcement functions for themselves end? There have been cases, for example, of Oath Keepers [putting up roadblocks](#) on their own authority. Could these county militias do as much?

‘You’re already in the militia’

An idea prominent among those backing formal recognition of local militias is that Americans are automatically part of the militia, whether they know it or not.

This is why several militia organizers including Gary Hughes of the Pulaski County Home Guard, have claimed that they were seeking recognition for the militia but not permission. As Richard Dimmel, an organizer for the militia in Floyd County and [vice chair](#) of the Floyd County GOP, has [said](#), “You’re already in the militia.”

The narrative of militia ideology allows militia organizers to claim they have more legitimacy than the government, as militias existed before the U.S. and the ratification of the U.S. Constitution. It also allows them to have things both ways – militia organizers want the legitimacy that a county resolution affords, yet if they do not get it, they will say it was never needed in the first place. They assert their unlawful authority whether they are recognized or not.

The problem with the assertion that “you’re already in the militia” is that it smooths over the fact that the county is not empowered to call up a standing, armed group of citizens. In Virginia, the governor, or someone in the governor’s chain of command, is responsible for activating and preparing the militia.

Legally speaking, a militia is a government entity called up and under the authority of the state executive or, ultimately, the U.S. president. It is part of the government chain of command and does not lie outside of governmental authority. A group calling itself a county militia, even using a county resolution as cover, cannot take on [the responsibility](#) “to provide for organizing, arming, and disciplining, the Militia,” which is reserved to Congress, and through Congress to the states. Instead, in legal terms, county militias are not part of the constitutional militia but part of paramilitary groups that exist outside of the Constitution and U.S. law.

ICAP’s Glick told Hatewatch that county militias are “using constitutional terminology to try to paper over their vigilante core.”

Illustration at top: A number of antigovernment groups have lobbied county governments to legitimize local militias through official resolutions – even though counties have no legal authority to recognize a militia. (Credit: SPLC)