

Igo Kopelnitsky

Middle American Gothic

by Thomas Fleming

The bad weather of 1993 eliminated my usual fishing trips to northern Wisconsin, but the other day in Madison, where I go to use the library and relive the 60's, I saw a sign for an instant oil change and lube: "Faster than an Illinois tourist." Most people in Wisconsin are happy for the dollars the pot-bellied Chicagoans bring with them, but some of them cannot help sneering at the softness and helplessness of their suburban neighbors to the south.

Nowhere is the contempt so evident as in the northernmost counties of the state, where the people generally look down upon the farmers of southern Wisconsin as soft and easy-living. Up there, where the trees are twisted by the winds that blow cold "off the big lake they call Gitchee Gumee" and starved in the thin soil left behind by the glacier, only the berries are sweeter for adversity. There is nothing sweet in the manners of the people—Norwegians and Finns mostly. They are friendly enough, once you know them, and even kind to strangers, but many of them act as if the frontier still ran through Douglas County.

A year ago I took a friend from South Carolina up to the Brule River for a few days of fishing. The "world-famous Brule River," as a local guide continues to call it, even though the trout-fishing is less than spectacular. For many years the main culprits were the lamprey eels that made their way through the St. Lawrence Seaway, and—if you can believe Ron—another Seaway tourist, the salmon, disturbs the spawning of the brown trout. Ron, sometime guide and proprietor of the only fly shop, told me the first time I stopped in: "Put back the big browns, but keep the salmon; they're nothing but parasites and foreigners." Another immigration problem.

One cannot imagine two types more opposite than Ron and my friend Bill from South Carolina. The dialect differences alone could keep a linguist busy for years, but for all that separates Hell Hole Swamp from the Brule River, Ron has more in common with Bill than with "them Yuppie fishermen from the Twins" who buy out the Orvis catalogue and fly off for

week-long fishing seminars in Montana or New Zealand. You meet them everywhere. One December, I was fishing with a friend on the White River in Arkansas, when the guide told us his next party was a doctor from my friend's hometown in Louisiana. "Well, if he's from . . . he's probably an ---hole," my friend opined, and within minutes of being introduced to us, the fly-fishing medic was bragging about his trip to New Zealand and giving the guide a few tips on casting. Next morning at breakfast, the guide came over to say, "You're right, but it only takes a guide about five minutes to put one of these guys in his place."

The guide, it seems, did not regard himself as a servant simply because he was taking a man's money and did not hesitate to tell anyone what he thought of him. Wisconsin fishermen are, if anything, even less restrained, and a pretentious reference to "the last time I fished Henry's Fork" will elicit more scorn than envy. This—for want of a more accurate word—this redneck mentality is about all that is left of the character of the old American Republic, and it can make South Carolina or Wisconsin dangerous places for people who refuse to understand the rules. I was once told the story of a salesman driving through Jamestown, South Carolina (at the edge of Hell Hole Swamp). The salesman stopped for a dog sleeping in the road and honked his horn. An old man on his porch lifted up his shotgun and told him: "Don't you be bothering him. That's where he sleeps—you wait till he gets up."

The United States is leavened by a sprinkling of armed and dangerous Americans. Not far from the Brule is a bar and restaurant, where I have eaten many times. About a year ago, the proprietor—a friendly, unaggressive sort of man—returned after midnight to check on his place and surprised a group of young men boosting cases of liquor. He pulled out a gun and told them to stop, and when one of them ran, the proprietor shot him in the leg. The young fool crawled off into the woods to hide and bled to death before he was found. When the proprietor was put on trial, local sentiment was fairly strong

on his behalf, and local restaurants put out jars for contributions to his legal defense fund.

As I said, there are men all over America who are willing to protect their lives and property. Some of them are crazy, like David Koresh; others are eccentrics, like Randy Weaver; but most of them are simply plain people who refuse to be bullied, abused, or robbed. These qualities are not unique to Americans. Moral independence was a universal virtue among the nations of barbarian Europe—Germans, Celts, and Slavs, but as the Europeans slowly lost their liberties and conceded the rights of defense and revenge to their rulers, the American frontier was fertile soil for a second growth of the old spirit of self-reliance.

Edmund Burke attributed the Americans' "love of freedom" to the English political tradition, the religious independence of the Yankees, and the Southerners' status as masters over slaves, and he was right so far as he went. What he could not know—although as an Irishman he might have guessed it—was that the political independence of Americans was only the superficial manifestation of a deeper spirit of independence. If Americans were willing to take up arms against a tyrannical parliament, they fought among themselves, with sword and pistol, shotgun and knife, with equal alacrity.

Some have attributed the American fashion for dueling to the influence of French officers in the War for Independence. This may be true, so far as the fashion and the formalities go, but the Irish of that time were even more celebrated for dueling than the French (the famous Code Duello is an Irish production), and the English officer caste had never renounced the privilege of fighting duels for the sake of honor—or even sport. Dueling, with all its punctilio and ceremony, was a recreation for gentlemen. More typical of the average American of those days was the duelist and brawler, Andrew Jackson. General Jackson did not need any lace-cuffed French officers to tell him his duty. His mother, on her deathbed, had already supplied him with a code: "Never tell a lie, nor take what is not your own nor sue for slander. Settle them cases yourself."

Like many of the men who came to prominence after American independence, Andrew Jackson was Scotch-Irish. They were a dour and hardy people, like all the Scots, and quick to resent an insult and thirsty for revenge, as the old border ballads tell . . .

Fight on, my merry men all,
And see that none of you be taine;
For rather than men shall say we were hang'd,
Let them report how we were slaine.

Many Americans of Scottish ancestry are prone to lay great weight upon the Celtic composition of the Scots, but the blood of the lowlands may be as Sassenach as the language. It hardly matters. The Anglo-Saxons were as quick to defend themselves as the Celts whom they attempted to exterminate, and it was to the Saxons that the Founding Fathers turned when they were looking for precedents and inspiration.

The patriots of 1776, as H. Trevor Colbourn has shown (in *The Lamp of Experience*), adopted the Saxon myth that had been crafted by the English Whigs in their assertion of parliamentary rights against the crown's prerogatives. The Saxons, so it was argued, had been a free people ruled over by a king whose power was limited by the elected Witenagemot. This much even the skeptical John Adams was willing to accept,

though he confessed that little was actually known of Saxon political institutions.

The Virginians went further, and Richard Bland pointed out that in leaving the Continent, the Anglo-Saxons had also shaken off subjection to their old rulers. Their descendants, he concluded, in coming to the New World, had freed themselves of allegiance to the crown. Thomas Jefferson adopted this view with enthusiasm; he wanted to put Hengist and Horsa (the leaders of the Saxon colonists) on the Great Seal of the United States and recommended the teaching of Anglo-Saxon at the university he founded.

The difference between Whigs and Tories, in Jefferson's opinion, lay in their differing approaches to history: while Tories based the power of the king on the Norman conquest, the Whigs traced English liberties back to Alfred and beyond. It was partly his affection for the Saxon myth that inspired Jefferson's aversion to David Hume's *History of England*. A far better historian than the Whigs, Hume could find no evidence of the peaceful constitutionalists so dear to Rapin, Mrs. Macaulay, and their American admirers. However, what he found was perhaps more essential to the defense of liberties. The weakness of the Saxon state, buffeted by frequent foreign invasions, meant that Saxon kings did not rely upon standing armies but on a militia of "ceorles or husbandmen . . . provided with arms and . . . obliged to take their turn in military duty." George Mason concluded that standing armies were the instruments of tyranny and that a revived Saxon militia would be "the natural strength and only stability of a free government."

As Hume realized, the Saxon ceorles were willing to defend their own, as well as their king's, interest. "The natural bravery of the people made every man trust to himself and to his particular friends for his defence or vengeance. . . . An insult upon any man was regarded by all his relations and associates as a common injury. . . . They retaliated on the aggressor by like acts of violence."

Among the Anglo-Saxons homicide was generally a personal matter. Murder as well as accidental homicide were settled by payment of blood-money to the kindred, although (as Maitland and Pollock point out in their *History of English Law*) "there are additional public penalties in aggravated cases, as where a man is slain in the king's presence or otherwise in breach of the king's peace."

The Norman Conquest was not merely a dynastic change, and the results were of vaster consequence than the periodic irruption of Danes into English territory and onto English thrones. The Norman overlords were determined to suppress the Saxons to the level of peasants and serfs; and Duke William, it is said, even contemplated the extinction of the English language. The characteristic of an independent, free, and martial people has ever been the freeman's assertion of the right to defend himself, and if the Saxons—like other European peoples—had pushed their freedoms too far, the Norman response was to erect their kingdom on the rubble of ancient liberties.

On questions of homicide, William and his successors moved quickly to assert their prerogative, although the revolution was probably not accomplished until the reign of Henry II. The first move was to broaden the concept of the king's peace to include, potentially, all homicides, and it is no paradox in the nature of the bloody-minded William that he outlawed the use

of capital punishment, since the effect of this decree was to deprive anyone but the king of the right to vengeance. By Bracton's time, one could not—outside the Welsh marches—kill even an outlaw, if he made no resistance to capture, and the right to kill had been so thoroughly nationalized that statutes had to be passed giving householders the right to kill a thief without having their goods forfeited—the normal penalty for manslaughter.

In place of the old Germanic blood feuds and duels, William imported the trial by combat, a formal judicial process by which a nobleman accused of a serious crime (e.g., treason) could challenge his accuser to single combat, and while judicial combat is a far cry from the right to personal vengeance, it helped to sustain the notion of individual responsibility in ages when the power of the king was steadily encroaching upon the right of the freeman.

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Judicial combat was eventually so regulated and circumscribed that gentlemen preferred to settle their disagreements without the presence of a king's representative, but it endured in English law down to the 19th century as a remedy available to a man acquitted of murder and retried upon appeal by the victim's next-of-kin. Charles I, a kind and compassionate king, attempted to foil an exercise of judicial combat involving mercenary champions, but he refused to deprive his people of a single one of their constitutional liberties. In reviewing the same case, the Long Parliament, which did not share the king's tender conscience, struck down this ancient right in a moment.

Among gentlemen, dueling took the place of trial by combat, while simpler men resorted to boxing matches as a non-lethal (usually) alternative. Where one man did kill another in a fair fight, he would be tried for murder, but according to J.M. Beattie (*Crime and the Courts in England, 1660-1800*), the usual verdict was manslaughter, for which the punishment was branding on the hand. A gentleman of property who killed a man, unless he was defending his home against a thief or was the victim of an unprovoked attack, had to prove that he had attempted to avoid homicide by retreating to the wall. If he could not, his property was subject to confiscation, unless he received a royal pardon—a fairly routine matter in cases of self-defense.

The duty to retreat was part and parcel of the "Norman" effort to gain a state monopoly on the use of violence. In the New World, it was impractical, and as Richard Maxwell Brown has shown in his recent book (see his essay on the subject in the next *Chronicles*), Middle American judges in Ohio and Indiana

declared that it was unreasonable to expect a true man to back down in the face of aggression. One benefit of these rulings was the license it gave to men on the frontier to shoot it out in the street without the victor having to face a rope.

I'll Die Before I Run is the title of C.L. Sonnichsen's classic study of Texas feuding, and I would be accounted hypocritical if I pretended not to admire the spirit, if not always the judgment, of the duelists and feudists who spattered the pages of our history with their enemies' blood and their own. It is the same spirit we cannot help admiring in the border ballads and the Icelandic sagas. One of the heroes of "Njál's saga," Gunnar Hamundarson, even from his grave, sings of the pleasures of a life well-spent (in Magnusson and Palsson's translation), describing himself as a man

Who so lavishly gave battle
Distributing wounds gladly . . .
He would rather die than yield,
Much rather die than yield.

Most nations, at least in their childhood, have explicitly recognized a man's right to defend himself by killing an attacker. Ancient Rome, more than any Indo-European nation, attempted to restrict this right, but even there the legal adage prevailed, *vim vi repellere licet*. This applied only to the heat of the moment, however, and not to acts of revenge or punishment that would constitute "self-help."

One such case of self-help was the murder of a political gangster, Pubius Clodius Pulcher, by a rival gang-leader, T. Annus Milo. In the course of a street brawl between their followers, Clodius was wounded and took refuge in a *taberna*. Well aware that Clodius would plot an immediate revenge, Milo sent his followers into the place to drag Clodius out to his death. Since Roman law did not condone revenge-killings, his case stood little chance of victory, especially since he was out of favor with the most powerful man in Rome. Even so, his advocate, Marcus Tullius Cicero, in publishing the speech he probably could not deliver, made a brilliant statement of what Americans would call the unwritten law:

There is this law, not written but natural . . . that if our life be beset by treachery, exposed to the force and weapons of robbers or enemies, there would be every honorable justification for gaining safety, for the laws are silent amid the clash of arms nor do they bid us wait for them.

How far may a man go in his own defense? By natural instinct we seem to "know" that the laws of life are survival and propagation, that each creature seeks to preserve its own identity and to transmit its genetic heritage through time. It is mere reflex to strike a blow, when one is received, and to kill, when death is threatened.

Prudence might go further and kill, by anticipation, those who have made serious threats against life. But what constitutes a serious threat? Mere fighting does not count; wolves, after all, and baboons may struggle to acquire dominance within the pack and fight with tooth and claw, but the surrender of one of the combatants is supposed to restore peace. Such natural justice may underlie the Common Law provision that in a fray, no matter how it began, both parties have a "duty to retreat" to prevent homicide.

But what if the case is, as Milo believed, that of a fight in which one man will, if he escapes, return to kill the other? Suppose an enemy has sworn to kill you, and from his past record you know he means business. The natural response is to eliminate the threat before it materializes, and this conviction grows if one is staring down the barrel of a gun. My father used to tell me never to point a gun at anyone, because the other man, who can only assume that you intend—or at the very least are willing—to kill him, will think himself justified if he can kill you first. Men who, like G. Gordon Liddy, are wise in the ways of firearms will always advise against firing warning shots or shooting to wound. If a man is worth shooting, he is worth killing if only to prevent legal complications. I once knew a game manager on a plantation who spent several nights in the woods trying to catch poachers. When the county sheriff heard about it, he paid a visit to the game manager and told him, “If anything does happen, remember, I only want to hear one story.”

It is always in the interest of a nation’s rulers—whether ancient Roman or modern American—to restrict the ability of men to defend themselves. That is the danger posed by the anti-gun lobby, not that they will take away a boy’s 410 and deprive him of his right to shoot doves, but that they will take away his father’s MP-4 and deprive him of his right to shoot looters. If a member of the Black Gangster Disciples decides to take a drive over to my neighborhood and waste one of his oppressors, he will be long gone before the police get here, and if the punk gets lucky and kills someone, the police may be able to find him and the prosecutor may be able to get a conviction, and the judge may even sentence him to 10 or 20 years (of which he may do five to seven), but in the meantime, an innocent person is dead.

The police do not exist to prevent crime but to apprehend criminals once a crime has been committed. Even liberal criminologists and sociologists are now saying, with Paul Lavrakas, that the first line of defense is a “caring and vigilant citizenry,” and a realist will make sure that some of that care is lavished on an automatic 12-gauge.

If the police cannot help us against the gangs, they are even more powerless to protect us from the armed forces of the New World Order. Bill Clinton may be calling for the creation of a national police force, but if he has his way he will only be amalgamating the numerous federal agencies that already have the power to eliminate troublesome citizens.

Our ancestors, fearing the danger posed by future generations of lobsterbacks, insisted upon the Second Amendment, guaranteeing all of us the right to own the same kind of weapons that a would-be tyrant could use against the people, and although their uniforms are not red, the ATF and FBI agents who attacked David Koresh and Randy Weaver have committed atrocities never dreamed of by George III’s Hessian mercenaries. The Hessians did not murder women and children.

The right to bear arms strikes many Americans as a quaint survival from more barbaric times, rather like dueling or trial by combat. But wise men know better than to surrender any right, no matter how apparently antiquated. In order to retaliate against Massachusetts for the Boston Tea Party, the British parliament in 1774 passed a bill “for the improved administration of justice in the Massachusetts Bay Colony.” As originally passed, the bill included a provision outlawing both appeal of death and trial by combat. As Philadelphia historian Henry

Lea tells the story (in his 1870 volume *Superstition and Force*),

The learned and eloquent Dunning, afterwards Lord Ashburton, one of the leaders of the opposition, defended the ancient custom in the strongest terms: “I rise,” said he, “to support that great pillar of the constitution, the appeal for murder; I fear there is a wish to establish a precedent for taking it away in England as well as in the colonies. It is called a remnant of barbarism and gothicism. The whole of our constitution, for aught I know, is gothic. . . . I wish, sir, that gentlemen would be a little more cautious, and consider that the yoke they are framing for the despised colonists may be tied around our own necks.”

Dunning (with assistance from Edmund Burke) succeeded in having the obnoxious clause removed, and appeal for murder and trial by combat were both used again in 1818 in *Ashford v. Thornton* (as I recounted earlier in these pages). Thornton, acquitted once of the charge of murdering a young girl, was to be tried again upon the appeal of the victim’s brother, but when the defendant demanded trial by combat, the case was dropped, and Thornton went where all bold men used to go, to the United States, which in those days guaranteed men the right to bear arms in their own defense. Now we are told that in order to put down the drug lords and keep would-be troublemakers in line, we must have tough new laws restricting the sale and possession of firearms. To prevent children from shooting themselves, we must punish negligent parents who do not lock up their guns. I wish that gentlemen would consider that the yoke we are framing for the despised underclass may be tied around our own necks.

LIBERAL ARTS

HYPOCRITICAL HILLARY

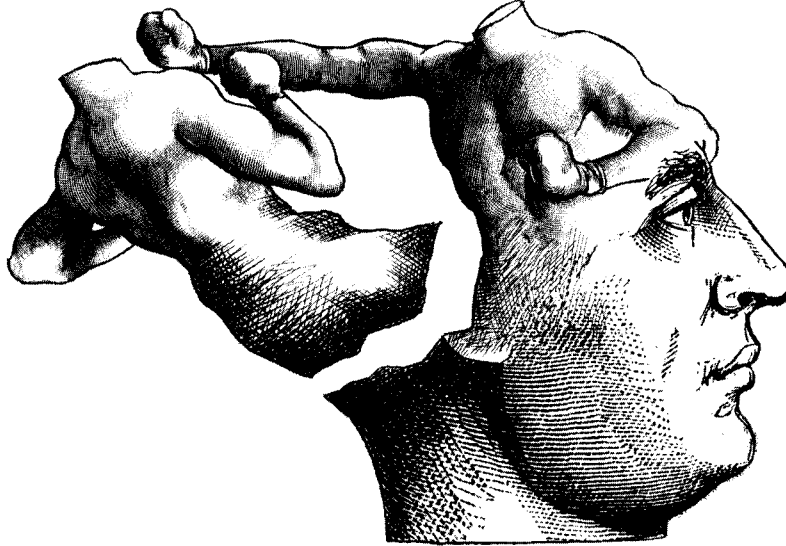
Hillary Rodham Clinton has denounced “price-gouging, cost-shifting and unconscionable profiteering” in the health care industry, but she seems to have done some “unconscionable profiteering” of her own. According to the August issue of *ClintonWatch: A Special Project of Citizens United*, a few years ago Ms. Clinton and her law partners made large profits for themselves and other investors off the sale of nursing homes in Iowa and Arkansas.

Forced by reduced Medicaid payments to streamline, officials at Beverly Enterprises, the country’s largest nursing home chain, had begun looking for buyers in the late 1980’s. Bruce Whitehead, a Texas millionaire, came forward with an offer to purchase 41 homes in Iowa and 39 in Arkansas through tax-exempt revenue bonds and his own non-profit companies. Guided by Ms. Clinton’s partner William H. Kennedy III, now associate counsel to the President, Whitehead and the bond underwriters managed to clear more than \$15 million in Iowa (thus providing for presumably hefty legal fees). Beverly also took in around \$10 million from sales here. This transaction appears to have been legal, yet “critics . . . have complained of profiteering,” as the *Des Moines Register* reported. And revelations of attempted bribery on the part of Whitehead sunk the deal in Arkansas, where Beverly Enterprises was forced to rely on conventional financing.

Winning the Culture War

The American Cause

by Samuel Francis



Igor Kopelnitsky

The first thing we have to learn about fighting and winning a cultural war is that we are not fighting to “conserve” something; we are fighting to overthrow something. Obviously, we *do* want to conserve something—our culture, our way of life, the set of institutions and beliefs that distinguish us as Americans. But we must understand clearly and firmly that the dominant authorities in the United States—in the federal government and often in state and local government as well, in the two major political parties, the major foundations, the media, the schools, the universities, big business, and most of the system of organized culture, including the arts and entertainment—not only do nothing to conserve what most of us regard as our traditional way of life but actually seek its destruction or are indifferent to its survival. If our culture is going to be conserved, then, we need to dethrone the dominant authorities that threaten it.

Granted, we still have a democratic political system in which opposition and dissent remain in principle legal, but we all know the difficulty encountered by those who try to use their political and civil liberties to challenge the dominant authorities. Genuine dissent from the egalitarian, feminist, homophile, multiculturalist, and socialist agendas is seldom permitted in establishment media and is often punished, intimidated, or terrorized.

Nevertheless, there remain sufficient loopholes in the apparatus of power to permit the organization of effective resistance by democratic and legal means, if we have the will and

the wit to use them. When I call for the overthrow of the dominant authorities that threaten our culture, then, I am not advocating illegal or undemocratic processes, but the war for the culture is nonetheless a radical or even a revolutionary conflict because it involves an almost total redistribution of power in American society—the displacement of the incumbent governing and cultural elites, the dismantlement of their apparatus of domination, the delegitimation of their political formulas and ideologies, and the radical decentralization of power and shift in control of cultural norms from the hands of the present elite to those of the Americans who remain loyal to their traditional cultural and national identity.

Understanding that the main strategic goal of cultural traditionalists is the overthrow of the dominant authorities in the United States leads us into a somewhat anomalous position. Ever since its formal appearance in the late 18th century, conservatism has generally been associated with the defense of existing authorities, and its ideas as well as its rhetoric and its basic psychology have historically been designed to conserve, not to challenge or overthrow. Hence, while we will find much in the conservative tradition to teach us about the nature of what we want to conserve and why we should want to conserve it, we will find little in conservative theory to instruct us in the strategy and tactics of challenging dominant authorities. Instead, we need to look to the left to understand how a politically subordinated and culturally dispossessed majority of Americans can recover its rightful position as the dominant and creative core of American society.

By far the most relevant figure on the left in the 20th century for this purpose is the Italian communist Antonio Gramsci, whose idea of “cultural hegemony” has facilitated the cultural revolution that the enemies of American civilization have

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