

The Delray Democrat

Insurrection Is not a Constitutional Right¹

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Recently government officials in states across the nation have faced angry protests demanding an end to the “stay at home” orders issued to protect the public’s health. The First Amendment guarantees these individuals a right to express themselves and their viewpoints, but it does not permit them to incite “imminent lawless action.” The Second Amendment, even under Justice Scalia’s strained reading in *Heller*, guarantees neither the right for Americans to own military assault rifles nor for armed mobs to threaten imminent lawless action.

Many protesters openly, and menacingly, carry military assault weapons including AK-47s. Why are state officials tolerating unruly mobs that cross from peaceful protest into threatening armed insurrection? In some cases, that is exactly what these become.

For example, in Michigan, an armed mob violently forced their way through the perimeter of the state legislature and into the hallways outside the chamber where legislators were meeting. Although law enforcement prevented them from breaking into the chamber, these protesters were clearly inciting imminent violence against legislators. In fact, lawmakers were given bulletproof vests to wear because of the threat. The Constitution does not protect, and civilized society condemns, such behavior. Law enforcement should have used force to repel the mob back to an approved demonstration area, and arrest them if they refused. One imagines that is what would have happened to armed mobs of minorities or left-wing protesters.

To be fair, most gun owners do not bring their firearms to protests and disagree with this approach of the armed mobs. In fact, these mobs represent at best 10% of the country, at least as far as the extremist views they present. Unfortunately, President Trump offered them ill-advised and extremely inappropriate support, texting the word “liberate” along with several of the states. Liberate is not a message of peaceful protest concerning government policies. It is a call to rid the citizenry of a foreign invader or tyrant. Duly elected state leaders, regardless of party or policy, are nothing close to a foreign invader or tyrant, no matter how much we may argue over their policies. This was not at all an issue of freedom, but rather the extent of societal obligations during an extremely deadly pandemic. This has nothing more to do with freedom than sexual assault has to do with wanting to make love.

Trump crossed yet another line, inexplicably supporting armed insurrections against elected leaders in several states when these leaders were just following the guidelines announced by his own administration concerning pandemic response and social distancing. Reprehensibly, Trump openly supported armed insurrections against state governments operating within the legal framework established in their constitutions. His conduct ran contrary to the standards expected of any U.S. President or government leader at any level. Whatever policy differences and debates

¹ *The Delray Democrat*, May 2020, p. 7.

exist, there is no political controversy serious enough to justify any support whatsoever for violence or armed insurrection. We enjoy a rich tradition of political discourse, but we never condone criminal violence of any nature.

While Republican Governor DeWine of Ohio imposed some of the strictest restrictions and faced his own protests, Trump deliberately omitted Ohio from his list of states to liberate. Trump was clearly, reprehensibly using the pandemic and the deep fears of various communities, as a wedge issue to foment further discord across the country. This at a time when we need the country to come together as rarely before. His goal was another attempt to deflect or distract attention from his own failures and shortcomings. However, by openly encouraging the armed mobs he increased the risk of violence. This should be intolerable to all Americans, even those who may sympathize with some of the views expressed in the protests.

These individuals are criminals, not protestors. They are terrorists, not patriots. They are armed insurgents actually threatening our democracy, not fighting for freedom. If you choose to brandish military assault weapons at your rally, you are not engaging in protected political protest. You are threatening society and democracy. You tacitly admit your views lack the legitimacy to join the public debate over the respective policy. To state it bluntly, you show your complete ignorance and delegitimize any argument you wish to [offer](#).