

Country Real Estate, #267: January 24, 2013

*Sic semper tyrannis, or something like that*

Curtis Seltzer

**BLUE GRASS, Va.**—Last Saturday morning as Ms. Spouse and I drove over the mountains to shop in Virginia’s Shenandoah Valley, we listened to an unfamiliar radio personality mix country music with what he called “preaching.”

He informed us that the federal government had been captured by Liberals, Socialists, Communists, Nazis and Satanists—all of whom were working together under President Obama to create a “tyranny” that would soon express itself in U.S. troops being dispatched to our homes to seize our guns and complete our enslavement.

We were told to prepare ourselves for battle against the tyrant in chief and resist by arms when American troops attacked.

I’m sort of old for this sort of thing, but I do have a long history of finding brick walls that never move when I bang my head against them. I also have friends and readers who believe in the general thrust of this argument, if not every particular.

So let’s talk a bit about tyranny and tyrants.

“*Sic semper tyrannis*” (Thus always to tyrants!) is the motto of the Commonwealth of Virginia where I’ve been a resident citizen for almost 35 years. These words appear on our Great Seal, which was designed in 1776 by several signers of the Declaration of Independence.

It’s positioned under a portrait of Virtue standing with her foot on the neck of a bearded Roman despot she has just slain. Our Founders that year drew a not-very-subtle analogy between Great Britain’s rigid monarch George III -- at most, a “tyrant” of the fourth rank -- and Rome’s proclaimed “dictator in perpetuity,” Julius Caesar, who found himself stabbed 23 times by some 60 Senators, led by his one-time buddy, Brutus.

In Virginia’s portrait of young Virtue, she is drawn with both knees bared, and a wardrobe malfunction has permanently exposed her left bosom.

These classical revelations offended Virginia’s current Republican Attorney General, Ken Cuccinelli. Seizing the bull by the horns, he purchased redesigned Great Seal lapel pins for his staff in 2010. The new painting covered Virtue’s protruding organ with a metal breastplate.

*Sic semper boobus!*

It is reliably reported that the morals of the Attorney General's staff increased 13.5 percent after only one year of staring at Virtue fully concealed. More recent data even suggest that this single strategically placed accessory reduced Virginia's high rate of heterosexual hanky-panky to levels not seen since the 1607 founding of the Jamestown Colony by 104 men and boys and no women. I sleep better knowing that Mr. Cuccinelli is keeping his eye peeled on my behalf.

All loyal Virginians are imploring Mr. Cuccinelli, who is now running for Governor, to redrape Virtue in a black bag that will envelop her from head to toe, all ten of which are currently snuggling cheek by jowl and up to no good if you ask me. A burqa would be my minimum.

But I have wandered from tyranny. When it comes to art and the need for cover ups, I defer to Mr. Cuccinelli.

Back to the radio.

The commentator got me thinking about when I should start shooting American soldiers to protect Americans from a government gone as rogue as Virtue's bosom.

We are a Nation founded on the Declaration of Independence's statement that The People have a right to "alter or abolish" their government whenever it becomes destructive of certain inalienable rights—the equality of men (and now everyone else, too), rule by consent, life, liberty and the pursuit of happiness.

But 13 years later -- after the colonies had won independence and a weak confederation had been abandoned -- the Framers of the U.S. Constitution did not insert an explicit right of The People to overthrow by force the new government they were establishing.

The 1776 Founders had discovered a right to overthrow tyranny when they weren't running the show, but the 1789 Framers recognized no such right when they were. Hmmmm.

Nor did the Constitution include Jefferson's words about the right of The People to "alter or abolish" a government that denied individuals their "inalienable rights."

Instead, the First Amendment established, among other things, "...the right of the people to peaceably assemble, and to petition the Government for a redress of grievances."

Assembling peaceably and petitioning The Authorities are wishy-washy activities that even George III allowed. If nothing else, assembly and petition provide a pressure-release valve that lets a bad system hang around.

Chinese leaders may figure this out before the Chinese people toss them into history's trashcan.

If an argument is to be made that the U.S. Constitution contains a right of The People to overthrow the government, it has to be teased from the following provisions:

**Second Amendment:** "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

**Ninth Amendment:** "The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

**Tenth Amendment:** "The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people."

The Second Amendment does not give The People a right to turn their weapons against objectionable -- even tyrannical -- state or federal authorities. Its clear meaning is exactly the opposite: An armed citizenry organized in militias is necessary to provide security for established, constitutional governments.

Militias are set up to protect authority, not overthrow it. This is exactly how militias and state National Guards have been used since 1789.

Every time that Americans rose with guns against federal authority, they were suppressed with arms whether it was in 1794 when President Washington led 13,000 militiamen from four states to cowl the tax protesters in Pennsylvania's Whiskey Rebellion, or southern secessionists in 1861 or coal miners at West Virginia's Blair Mountain in 1921.

If an argument is to be made that the Constitution grants Americans a right to overthrow the federal government by force, it has to be extracted from the general language of the Ninth and Tenth Amendments, which talk about unspecified "rights retained by the people" and unexplained "powers...reserved to the people."

Obviously, a big right -- like that of revolution -- would have been spelled out in the Bill of Rights if the Framers believed in it. Since it's not written down, the fairest conclusion is that they didn't mean it to be there. I

don't see it implied, winked at or just hanging out on the corner of retained rights and reserved powers, but others do.

To my knowledge, no government has ever granted its people the right to overthrow itself through armed conflict. And if every government in history would be held to the standards of freedom and justice set forth in the 1776 Declaration, no government would be spared revolt for very long, including ours.

More to the point, of course, is the question of when tyranny becomes so oppressive that The People find they have no choice but to start shooting. Syria and Libya are recent examples of when most of a populace got fed up with tyranny.

A right to armed resistance won't be found in a document establishing a government that has become the problem. It's not a right that's given; it's a need that becomes obvious and, then, compelling.

The People are never of one mind about whether or not they are living under tyranny. In our founding rebellion, only about one-third of the American colonists supported independence by arms. They rest were either loyal to Britain or tried to stay neutral.

Today, there's no way of knowing what percentage of Americans believe like the radio commentator that it's time to overthrow the American government by shooting it out with the Nation's military.

But this sentiment does appear to have a following. So it's fair to ask what's the proposed alternative? America in the 1940s and 1950s? The abolition of Social Security? And end to Medicare and Medicaid? Repeal of federal clean-air and clean-water legislation? Financial markets free from federal oversight, such as it is? Repeal of the federal income tax? No taxes, low taxes, some taxes? No civil rights legislation? No equal-treatment rules for women and those in minority groups? The right of states to nullify federal laws and regulations? Retro censorship of books and movies? The right of secession? I'd really like to see a picture of what follows the radio revolution.

Tyrannies always end, one way or another. In our circumstances, I think most Americans sense that the federal government is a large and often unresponsive presence in our lives. It's clumsy; it overreaches; it's too intrusive; and it's too locked in to make needed corrections. But I don't get the feeling that most of us would call it a tyranny worthy of treason.

Which is what? The Constitution's Article 3, Section III states: "Treason against the United States shall consist only of levying war against them, or in adhering to their Enemies, giving them Aid and Comfort." The Constitution has been interpreted to allow calls for treason to be aired on the

radio, but not the actual conduct of treasonous acts, such as fighting a war to overthrow the government.

If a genuine American tyranny does emerge, a more promising method of overthrowing it is non-cooperation and non-violent resistance. Standing in front of a tank is more effective than shooting at it with a Bushmaster. Disobedience doesn't have the macho flash of firing a clip at a black helicopter, but in victory it produces a better outcome.

I also think that we are more secure in protecting ourselves against dictatorship with a conscript military than a small force of volunteer career professionals. Draftees are more likely to mutiny and come over to the rebels from whom they're drawn.

I gnawed at these ideas as we shopped at the big-box stores in Harrisonburg. I looked around for evidence of tyranny—secret police throwing dissidents into paddy wagons, signs prohibiting speech and protest, ghettos of black-listed resisters and fear among the people.

I came up with surveillance cameras, data banks and Mr. Cuccinelli's effort to improve Virginia's morals. I'm sure there's more, but I don't think Obama's proposal to limit clips to 10 bullets is a sign of dictatorship.

The trick is to govern an increasingly large and complex society without drifting into State authoritarianism.

Not an easy trick if you ask me.

### **Use and Payment:**

This original column may be reprinted or posted on websites on a one-time basis under the following payment schedule and terms. Payment per column:

News services and magazines.....	\$50
Print weeklies and nonprofits.....	\$10
Print dailies, brokers, developers, buy/sell sites, blogs, newsletters..	\$25

Author credit above should be included at the end of each column. Editing for length is permitted. **Copyright remains with Curtis Seltzer and applies to the column's use.**

Send checks to Curtis Seltzer, 1467 Wimer Mountain Road, Blue Grass, VA 24413.

Archived columns may be purchased for \$10 each, 60 days after the release date. They are posted at [www.curtis-seltzer.com](http://www.curtis-seltzer.com), click on Country Real Estate. Contact me for orders, and I will provide them by email.

Reporters and publications may obtain a complimentary review copy of **How To Be a DIRT-SMART Buyer of Country Property, Land Matters, Blue Grass Notes** or **Snowy Mountain Breakdown** by emailing a request to [curtisseltzer@htcnet.org](mailto:curtisseltzer@htcnet.org).

Author credit should be included at the end of each column:

Curtis Seltzer is a land consultant who works with buyers and help sellers with marketing plans. He is author of **How To Be a DIRT-SMART Buyer of Country Property, Land Matters, Blue Grass Notes** and **Snowy Mountain Breakdown** available at [www.curtis-seltzer.com](http://www.curtis-seltzer.com). He writes a bimonthly column for Back Home Magazine.