Creating a “Well Regulated Militia”: Policy Responses to Paramilitary Groups in the American States

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In a democratic political system responsive to citizen demands governments must often balance conflicting interests. The rise of armed right-wing paramilitary groups, and especially the recent growth of citizen militias, have created such a situation in the American states. In particular, governments must respond to the threat of armed anti-government groups, while simultaneously attempting to address the “mainstream” conservative issues these groups often raise. This study examines how governments balance these demands by developing a general theory of policy formation and adoption. We expect that adoption of anti-paramilitary laws is more likely when paramilitary groups pose a greater potential threat to the state and when elected Republicans are less conservative. Our model also controls for the activities of interest groups and the possibility that policy change is incremental. Using a data set of the fifty American states, we find that governments do balance opposing interests. While anti-paramilitary laws arise out of a perception of the threat posed by armed far-right groups, conservative Republicans, faced with a constituency that supports some issues raised by paramilitary groups, appear to try to limit the scope of anti-paramilitary laws.

Interest in citizens’ militias has grown considerably since the 1995 bombing of the federal building in Oklahoma City. Groups such as the Anti-Defamation League, however, have tracked the rise of citizen militias for some time and consider militia groups to be the lead organizations of the broader “Patriot movement” (Dees and Corcoran 1996; Stern 1995, 1996). While paramilitary groups and domestic terrorist acts in the United States are nothing

new (see Smith 1994; Stern 1996; Toy 1989), the large number of citizens' militias and their focus on paramilitary training for possible confrontations with the U.S. government is a recent phenomenon. Whether or not citizen militias are or have been involved in domestic terrorism and other illegal activity appears to be the main focus of journalistic attention on the militias. A more interesting question though is how, if it all, state and local governments have responded to the perceived threat of armed anti-government groups such as citizens' militias.1

In a political system designed to be responsive to the demands of citizens and organized interest groups, the perceived threat of anti-government paramilitary forces should evoke government action in the form of enforcing existing laws and passing new legislation to assuage public concerns for security. Citizen militias, however, often present critical assessments of the federal government, taxes, and programs that largely benefit ethnic minorities which are consistent with mainstream American conservatism. Thus, policymakers are faced with the paradox of restraining the rise of anti-government paramilitary groups while simultaneously addressing the concerns that may fuel the rise of these groups in the first place. How then do state governments balance these opposing demands?

Our research examines this question by constructing a theoretical framework to explain state variation in the adoption of what have come to be known as "anti-paramilitary laws." We discuss the rise of citizen militias, explain our theoretical framework on policy formation and adoption, test hypotheses derived from our theory on a fifty-state data set, and present the findings of our research along with a discussion of the implications of this study.

CITIZEN MILITIAS: THE REBIRTH OF RIGHT-WING PARAMILITARY GROUPS

The citizen militia groups of the 1990s have built on the membership, ideology, and leadership structures of earlier paramilitary organizations (Stern 1996: 42–57). On many issues, however, their rhetoric is less extreme than that of their predecessors, allowing militias to recruit the more politically moderate members of society. Most militia groups are distinct organizations

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1 While there is no agreed upon definition of what exactly constitutes a "militia," we define a citizen militia as any group of three or more persons organized for the stated purpose of defending their rights and property against a tyrannical government. Such a group must also engage in paramilitary training and/or maneuvers to prepare for "unlawful" behavior on the part of government agents. Finally, the group must also call itself a "militia" and consider its legal right to organize and train as a militia to be specified under the second amendment to the U.S. Constitution (see O'Brien and Haider-Markel 1997).
with no overarching organization or structure tying them together. Instead, shared issue concerns are the tie-that-binds militia groups together and to the paramilitary groups that came before them.

Militia concerns and grievances include the notion of a tyrannical federal government that frequently violates citizens' constitutional rights, opposition to gun control, federal taxes, and most government regulation (Anti-Defamation League 1995; Stern 1996: 246). Estimates of the number of persons belonging to citizen militias range from 10,000 to 40,000 and these groups claim the most members in Michigan, Montana, and California (Anti-Defamation League 1995).

**PUBLIC POLICY FORMATION AND ADOPTION: LAWS RESTRICTING PARAMILITARY ACTIVITY**

While theories abound on policy formation and adoption, no one theory has come clearly to dominate the field of public policy (see Schlager and Blomquist 1996). Moreover, anti-paramilitary policy does not neatly fit into a broad policy topology, such as those outlined by Lowi (1969; see also Ripley and Franklin 1991). Like other regulatory policies, anti-paramilitary policies seek to regulate the behavior of individuals and groups. Unlike other forms of regulatory policy, however, anti-paramilitary policy seeks to regulate non-economic behaviors that corrupt traditional values or social norms. The values behind anti-paramilitary laws include a belief in political change through the democratic process and the acceptance of diversity in all forms (Stern 1995).

Our conception of anti-paramilitary policy, therefore, fits best within Tatalovich and Daynes' (1988) conception of social regulatory policy. They describe social regulatory policies as those that both regulate behavior and redistribute values in society. Such polices include abortion, gun control, crime, and school prayer. Anti-paramilitary policy is probably most similar to other social regulatory policies applying to the control of criminal behavior, including bias or hate-motivated crimes (Berrill 1992: 2; see also Haider-Markel 1997).

In our exploratory effort to explain the adoption of anti-paramilitary policy, therefore, we build a theory of policy adoption based on the major elements of social regulatory policy as presented by Tatalovich and Daynes (1988). First, we assume that policies arise out of the demands and preferences of actors in the political environment, including interest groups, politicians, and bureaucratic agents. Second, we argue that new policy is more likely to be adopted when it builds incrementally on existing policy. Finally, we assume that public policy is often a reaction to the perceived scope of the problem and/or the salience of the issue (see also Hofferbert and Urice 1985; Meier 1994; Moe 1990; Sabatier 1993). This general theory of social regulatory policy can apply to policy areas at the local, state, or national level.
While all policy is likely to arise out of political compromise (see Moe 1990), we believe that paramilitary groups and the issues they raise put state governments in a difficult and, perhaps, unique position. The general factors specified in our model, however, should capture the problems governments face when attempting to balance the threat that armed paramilitary groups pose to the state with some of the relatively “mainstream” issues these groups raise about government power.

**Political Environment: Political Actors and the Scope of the Problem or “Threat” Factors**

Public policy arises, in part, out of citizen and interest group demands on government. Interest groups often intervene in the policymaking process to ensure favorable outcomes (Haider-Markel and Meier 1996; Lowi 1969). Groups may push for particular policies in reaction to real or perceived problems (Sabatier 1993: 20-21). For example, throughout the 1980s and 1990s, the Anti-Defamation League (ADL) designed model legislation and lobbied state governments to pass legislation which restricted the capacity of paramilitary groups to train for the purpose of creating civil disturbance. The ADL was reacting to the increased use of paramilitary training by right-wing groups such as the Ku Klux Klan, the Order, Aryan Nations, Posse Comitatus, the Covenant, Sword, the Arm of the Lord, and citizen militia groups (Stern 1996: 233-34). Without the model legislation proposed by the ADL, it is unlikely that any states would have adopted any form of anti-paramilitary training laws. Because the ADL is the vanguard of opposition to paramilitary training, we would expect that ADL strength in a state should positively influence anti-paramilitary policy.

Groups opposed to government action, however, often counter-mobilize to influence issues on the legislative agenda (Meier 1994: 11). While the literature is ambiguous as to which groups may oppose anti-paramilitary policy, groups such as avid hunters and the National Rifle Association (NRA) may oppose these laws simply because they view the laws as a restriction of their rights and activities. Hunters, for example, may feel threatened by these laws simply because the laws restrict the activities of gun enthusiasts. The NRA may similarly oppose such laws because the laws are viewed as further attempts to restrict the possession of firearms. Hunters and NRA members are also logical recruitment targets for paramilitary organizations (O’Brien and Haider-Markel 1997). We expect, therefore, that the presence of gun enthusiasts will have a negative influence on the adoption of anti-paramilitary training laws.

While interest groups struggle against one another in the policy arena, politicians must sometimes balance the demands of interest groups with the interests of constituents (see Moe 1990). Specifically, and given the threat that
citizens militias pose to the state, politicians must balance the security concerns of the state with some of the "mainstream" conservative demands issued by these potentially threatening groups. We suspect that the brunt of this balancing act falls on conservative elected Republicans.

With respect to threat, Polsby (1984: 168–69), among others, argues that the scope or severity of a problem is likely to influence policy outcomes. Nice (1992) for example, found that state death penalty policy is in part determined by the crime rate in a state. In the case of anti-paramilitary training laws, therefore, the real or perceived threat posed by armed paramilitary groups—a function of the number of groups and the scope of their violent behavior—should positively influence the adoption of anti-paramilitary policy.2

Citizen militias and other right-wing paramilitary groups frequently raise issues that are similar in ideological content to the policy preferences of conservative Republicans. For instance, paramilitary groups share views with conservative Republicans on issues such as limits on the power of the federal government, traditional family values, gun control, and the role of the United Nations in U.S. foreign policy (Dees and Corcoran 1996: 109–34). Like hunters and the NRA, conservative Republicans may also equate paramilitary laws with efforts to restrict the possession and use of firearms.

Conservative Republicans are also more likely to have constituencies that are sympathetic to the concerns, as opposed to the methods and behavior, of right-wing paramilitary groups (Dees and Corcoran 1996: 127), thereby making it politically unpalatable for conservative Republicans to support anti-paramilitary laws. Conservative Republicans may, therefore, be faced with the uncomfortable paradox of balancing the concerns of their constituents with the security interests of the state.3

If indeed, as hypothesized, the threat from paramilitary groups is positively related to the adoption of anti-paramilitary laws but Republican politicians oppose their adoption, then Republican legislatures are responding to the interests and demands of their constituents even though, in so doing, they

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2 Measures of threat may also capture the salience of the issue but the independent influences of threat and issue salience are often difficult to disentangle (see Haider-Markel 1997).

3 Congressional action toward militias provides a cogent illustration. As the potential threat of militia groups grew after the Oklahoma City bombings, conservative Republicans avoided congressional hearings on militias and instead held hearings on FBI behavior at Waco and Ruby Ridge, thereby answering the loudest demands of militia leaders (Stern 1995: 210-11). Representative Schumer (D-NY) finally held "unofficial" hearings on the militias in July of 1995, after months of having his requests for hearings ignored by House Speaker Gingrich (R-GA) (Stern 1995: 211).

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act in contravention to the security interests of the state. If, on the other hand, Republican legislators oppose the adoption of anti-paramilitary laws and the threat from paramilitary groups is not a significant determinant of the adoption of those laws, then Republican legislators are simply acting on the demands of their constituents in such a way as to have no adverse impact on the security concerns of the state.

Finally, if the threat posed by paramilitary groups is positively related to the adoption of laws against paramilitary training, but conservative Republicans do not have a significant and negative influence, this would mean that Republicans are subordinating the concerns of a portion of their constituency to the security interests of the state. In such a case, the adoption of anti-paramilitary laws may be characterized as benevolent, non-partisan efforts designed to counter a real threat to the state.

A final factor inherent in state political environments is the preference and influence of bureaucracies charged with enforcing new laws. Bureaucracy can influence the policy process by providing information to policymakers and interest groups (Meier 1994: 108; see also Sabatier 1993: 37). The key bureaucracy—in this case law enforcement—will, in the course of providing information, have the opportunity to present information that supports its preferences (Meier 1994: 15; Ripley and Franklin 1991: 39). Law enforcement bureaucracies have largely supported anti-paramilitary laws simply because they provide law enforcement officials with considerable latitude regarding the specific offenses from which they may pursue the convictions of those engaged in paramilitary activity (Freeman, Kaminer, and Loeb 1995). Anti-paramilitary laws thus provide law enforcement officials the luxury of launching investigations into threatening anti-government groups before crimes are actually committed (Freeman, Kaminer, and Loeb 1995: 5; Stern 1996: 223). This notion of preempting crimes before they are committed was behind law enforcement support for the Racketeer Influenced and Corrupt Organizations (RICO) Act (Smith 1994: 167-69).

Finally, given that law enforcement supports anti-paramilitary laws, we expect that their ability to influence policy formation will be a function of their size and resources (see Haider-Markel 1997; Meier 1994: 15). In other words, large bureaucracies should have a greater ability to ensure the passage of anti-paramilitary laws.

**Policy Environment**

In the American federalist system policy change is often slow and incremental in nature, largely because majority rule and the design of political institutions makes radical shifts in policy unlikely (Ripley and Franklin 1991: 5-12). As a result, new policy is often linked to past policy and is more likely
to be adopted if the policy change is viewed as incremental change (Sabatier 1993: 21–22). Interest groups and politicians in particular often present new policy initiatives as a minor shift from existing policy, thereby giving legislators a reason to support the policy change (Haider-Markel and Meier 1996: 334). In states where policy initiatives cannot be easily linked to existing policy, the adoption of new policy is difficult if not unlikely.

Militia groups have frequently been associated with bigoted views on race, religion, ethnicity, and sexual orientation (Stern 1996: 245). While not all militia members espouse bigoted beliefs, nearly all regard federal programs such as affirmative action with disdain (Gibson 1994: 11; Smith 1994: 41). Because there is at least the perception that militia groups are bigoted, we suspect states that have gone further to protect the rights of minority groups will likely view anti-paramilitary laws as a step in the same direction.

On a similar note, while not all right-wing paramilitary groups have engaged in terrorism, a number of groups have been linked to terrorist acts (Dees and Corcoran 1996; Smith 1994; Stern 1995, 1996; Toy 1989). In part, it is the perceived threat of terrorism from paramilitary groups that provides the rationale behind anti-paramilitary training laws (Freeman, Kaminer, and Loeb 1995). During the 1970s, a similar perception of threat from international terrorism propelled some states to adopt laws aimed at banning and preventing terroristic activities (Smith 1984, 1994). We expect that states with anti-terrorism laws are likely to view anti-paramilitary laws as an incremental change in policy, thereby making it easier for states to adopt anti-paramilitary laws.

**Variable Operationalization and Measurement**

*Dependent Variable*

At the forefront of monitoring right-wing extremism, the ADL responded to the increase in paramilitary training activity by drafting model legislation that states could use to deter such activity (Freeman, Kaminer, and Loeb 1995: 1). The model statute has three main components: (1) prevention of demonstrations on the use of deadly weapons for civil disorder; (2) prevention of assembling to train with or practice the use of weapons for civil disorder; and (3) definitions of civil disorder and the persons exempt from the statute, such as law enforcement officials (Freeman, Kaminer, and Loeb 1995: 6). As of 1995, 23 states had adopted some version of the ADL anti-paramilitary statute.

Based on the ADL's model statute, we constructed an additive index to measure the coverage of anti-paramilitary laws.\(^4\) Each state received a score from zero to three based on the number of ADL model statute sections it

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\(^4\) Data are from Freeman, Kaminer, and Loeb (1995).
adopted. States with no anti-paramilitary training laws received a zero, while states passing legislation consisting of all of the ADL sections received a score of three. The three components of the index are remarkably similar. In a factor analysis one factor accounts for almost 92 percent of the variation with all categories loading at .91 or higher. States are distributed on the index with 27 states at zero (54 percent), no states at one, five states at two (10 percent), and eighteen states at three (36 percent).

**Independent Variables**

*Political Environment*: Actors in the political environment include groups that favor anti-paramilitary laws and those that oppose them. As mentioned, the ADL has been the primary group lobbying for anti-paramilitary laws. The ADL, however, is not a membership-based organization which limits the ways in which we can measure ADL strength. One measure of interest group strength is the number of chapters in each state, so we measure ADL strength as the number of ADL chapters per 100,000 state population.⁵ While somewhat crude, our measure of ADL strength is the best possible measure publicly available at this time. We expect ADL strength to be positively related to the adoption of anti-paramilitary laws.

As discussed, avid hunters, gun owners, and NRA members might oppose anti-paramilitary laws. The NRA, unfortunately, is unwilling to provide membership figures for each state. Therefore, we created an alternative surrogate measure of gun owners and avid hunters. Using the Fish and Wildlife Service's (1994) survey of wildlife recreation, we measure the strength of those that might be opposed to anti-paramilitary laws as the amount of money per 100,000 population spent by hunters for magazine subscriptions, membership dues, and contributions to pro-gun and hunting organizations.⁶ Expenditures on hunting-related items is a measure of commitment to gun-related sports and activities. This commitment in turn is likely to lead to a greater potential opposition to anti-paramilitary laws.

Conservative Republicans have less ideological distance from far-right paramilitary groups and are therefore more likely to oppose anti-paramilitary laws. Our measure of Republican ideology is the Erikson, Wright, and McIver (1993) Republican conservatism measure of elected Republicans in each state. We expect that the more conservative elected Republicans become, the more opposed they will be to anti-paramilitary laws.

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⁵ Data are from Freeman, Kaminer, and Loeb (1995). Repeated attempts to obtain financial contributions to the ADL, by state, failed.

⁶ Data are from Fish and Wildlife Service (1994: Errata, 116).
We argued above that law enforcement bureaucracies support anti-paramilitary training laws simply because the laws increase both their resources and the repertoire of tools needed to counteract paramilitary groups. Law enforcement's support for these laws is most likely to have an impact on the policy process when law enforcement has more strength to begin with. We operationalize the strength of law enforcement bureaucracy as the number of sworn police officers per 100,000 state population.7

Policy Environment: We operationalize incremental policy change using two policies that tap concerns similar to those raised by anti-paramilitary laws. First, our measure of protections for minorities is the scope and coverage of state hate crime laws. We created an additive index by scoring each state from zero to thirteen. On the base index one point was assigned to a state for inclusion of each of the following five categories: a law concerning bias-motivated violence and intimidation, a law allowing for civil action by victims, a law providing for criminal penalties, a law requiring law enforcement agencies to collect data on bias-motivated crimes, and a law requiring training of law enforcement personnel on hate crimes. To this base index, ranging from zero to five, we then added points based on the groups and activities specified in the laws. One point was assigned for the mention of each of the following: race, religion, and ethnicity (as one), sexual orientation, gender, mental or physical handicap, political affiliation, age, institutional vandalism, and interference with religious worship.8

Second, like hate crime legislation, we suspect that anti-paramilitary laws will be seen as an incremental change in policy from past anti-terrorism laws. We measure anti-terrorism laws with a dummy variable coded 0 if the state does not have the law and 1 if the state does have the law.9

Threat Factors: We operationalize threat from paramilitary groups in three ways. First, we expect that states with higher levels of extreme right-wing behavior are most likely to enact anti-paramilitary training laws. We examine this relationship by including a measure of the number of right-wing extremist groups per 100,000 population operating in a state from 1980 to 1995.10

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7 Data are from the Federal Bureau of Investigation (1993).

8 Data are from Freeman and Kaminer (1994) and a September 1995 update obtained from the Anti-Defamation League by the authors. See Haider-Markel (1997) for an in-depth discussion of the hate crime policy index.

9 Data are from Smith (1994: 157-61).

10 We created this measure using a variety of sources. For the number of militia groups we used data from the Anti-Defamation League (1995); for the number of other right-wing groups, such as the Aryan Nations, Arizona Patriots, Covenant, Sword, and Arm of the
The strength of paramilitary groups, however, may not be sufficient to generate demands for government action. Even if groups are weak, there may be a perception of a threat when there is more illegal activity in the state. Specifically, because paramilitary groups stockpile weapons, including destructive devices other than firearms (Stern 1996; 159-61), we expect that states with greater amounts of such activity are more likely to pass anti-paramilitary laws. Thus, our second measure of threat is the pounds of explosives stolen per 100,000 state population.\footnote{Data are from Bureau of Alcohol, Tobacco and Firearms (1995).}

Third, because Smith (1994) found that right-wing terrorists are more likely to have lower levels of formal education (see also Conover 1983; Hamm 1993), we expect a poorly educated population to pose a greater threat to the state and thereby increase the likelihood that the state will adopt an anti-paramilitary training law. In other words, governments should have less to fear from a highly educated citizenry and are, therefore, less likely to pass anti-paramilitary legislation. We measure education as the percent of the population with college degrees.\footnote{Data are from U.S. Bureau of the Census (1993).}

\textbf{ANALYSIS AND RESULTS}

Because our dependent variable is limited to scores ranging from zero to three, we used Ordered Probit to analyze the coverage of state anti-paramilitary laws. For ease of interpretation, we also estimated the model using Ordinary Least Squares regression. The results of both of these analyses are shown in Table 1 and are remarkably similar.\footnote{Our examination of simple correlation matrices, tolerance measures, and variance measures found no significant problems with collinearity in the model. We further conducted regression diagnostic tests, including studentized residuals, Hat Diagonal, and Cook's D. We found no serious problems with individual cases.} Overall our results fit our general theory of social regulatory policy adoption, and suggest that state adoption of anti-paramilitary laws is a function of the demands of interest groups, the conservatism of elected Republicans, the strength of law enforcement bureaucracy, incremental change from past policy, and the threat posed by far-right, paramilitary groups.

The strength of the ADL is positively associated with the adoption of anti-paramilitary statutes. This suggests that the ADLs lobbying efforts and draft
### Table 1
**Determinants of Anti-Paramilitary Law Coverage**

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>OLS Results</th>
<th>Ordered Probit Results</th>
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<tr>
<td></td>
<td>Unstandardized</td>
<td>Standardized</td>
</tr>
<tr>
<td></td>
<td>Slope Coefficient</td>
<td>Slope Estimate</td>
</tr>
</tbody>
</table>

#### Political Environment
- **ADL Strength**
  - $3.12^{**}$
  - $(1.23)$
  - $8.45^{*}$
  - $(4.59)$
- **"Pro-Gun" Strength**
  - $-0.001^{**}$
  - $(0.000)$
  - $-0.004^{**}$
  - $(0.001)$

#### Law Enforcement
- **Bureaucracy Strength**
  - $0.14^{**}$
  - $(0.03)$
  - $0.66^{**}$
  - $(0.21)$
- **Conservative Republicans**
  - $-0.22^{*}$
  - $(0.12)$
  - $-0.94^{**}$
  - $(0.42)$

#### Policy Environment
- **Hate Crime Laws Index**
  - $0.21^{**}$
  - $(0.06)$
  - $1.09^{**}$
  - $(0.40)$
- **Anti-Terrorism Law**
  - $0.49^{*}$
  - $(0.28)$
  - $1.96^{**}$
  - $(0.97)$

#### "Threat" Factors
- **Paramilitary Groups**
  - $0.15^{**}$
  - $(0.04)$
  - $1.37^{**}$
  - $(0.67)$
- **Stolen Explosives (lbs.)**
  - $0.003^{**}$
  - $(0.001)$
  - $0.08^{**}$
  - $(0.003)$
- **College Educated**
  - $-0.20^{**}$
  - $(0.06)$
  - $-0.99^{**}$
  - $(0.37)$

#### Constant
- $0.13$
- $(0.14)$
- $-3.75$
- $(3.38)$

<table>
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<th></th>
<th>R-square</th>
<th>Adjusted R-Square</th>
<th>Standard Error</th>
<th>F Score</th>
<th>Sig. of F</th>
<th>Number of F</th>
<th>Log Likelihood</th>
<th>Percent Correctly</th>
<th>Predicted</th>
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<td>46</td>
<td>-13.56</td>
<td>82.61</td>
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</tr>
</tbody>
</table>

Notes: Significance levels: ** $p < .05$; * $p < .10$. Standard errors are in parentheses.

Legislation have been quite successful. Stronger law enforcement bureaucracies have a positive influence on anti-paramilitary laws, likely because the laws increase their power and provide them with more options to respond to armed groups. The potential opposition of "Pro-gun" enthusiasts is negatively
related to anti-paramilitary laws, but exactly how this group manifests its opposition to the laws cannot be discerned from the data.

The results also suggest that states will refer to action on past policy in determining whether to pass anti-paramilitary laws. States are more likely to make incremental policy changes, such as adding anti-paramilitary laws, when they have already passed hate crime laws, anti-terrorism laws, or both. Given the strong role of interest groups in the enactment of anti-paramilitary laws, incremental changes in policy are not surprising. Interest groups can most effectively obtain changes in policy when the new policy meshes with past or current policy.

As hypothesized, the presence of more conservative Republicans appears to make the adoption of anti-paramilitary laws more difficult. Conversely, two variables measuring threat, the estimated number of right-wing paramilitary groups and the pounds of explosives stolen in a state, have a significant positive influence on the adoption of broad anti-paramilitary laws. The third measure of threat, general education levels, is negatively related to anti-paramilitary laws, suggesting that a less educated population may in fact be viewed as a greater threat by the state.

Most importantly, the results of our analyses support the major contention of our theoretical framework describing the adoption of anti-paramilitary laws: governments must balance the threat posed by paramilitary groups with some of the mainstream conservative issues these groups espouse. Our findings suggest that conservative Republicans may try to limit the scope of anti-paramilitary laws, perhaps in an effort to avoid alienating a conservative constituency. At the same time, however, our factors measuring the threat posed by paramilitary groups have a positive influence on anti-paramilitary training laws. These results suggest that in general the threat posed by paramilitary groups is likely to evoke a policy reaction from the state. However, if elected Republicans in the state are relatively conservative, they may underplay the threat in an effort to limit the scope of anti-paramilitary training laws.

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14 To ensure that anti-paramilitary policy is not influenced by other factors in the political environment, we also estimated bivariate equations using party competition and the overall crime rate. Party competition, while a significant predictor in many studies of policy, was not a significant predictor of anti-paramilitary policy (t-score = .03). To allay suspicions that anti-paramilitary policy might simply be one of many policy responses to high crime rates, we also estimated an equation using the crime rate from 1993. The crime rate was not significant (t-score = .24).

15 We verified that conservative Republicans rather than the presence of Republicans is an important factor by replacing the measure of conservative Republicans with the percent of Republicans in the state legislature in the model. Percent Republicans was not significant nor did it improve the model, suggesting that our analysis is correct.
To determine the influence of our key variables in states that have minimal, moderate, and elaborate anti-paramilitary training laws, we also used Logit regression to estimate our model. Each category from our index was transformed into a 0 and 1 dichotomous variable. We found results similar to those shown in Table 1, but in states with all three categories, conservative Republicans did not have a significant influence. Recall that category three outlines the activities and persons not affected by the law. The results suggest that conservative Republicans are less likely to oppose anti-paramilitary laws if they can be assured that the laws will not hamper the activities of hunters, police, or military personnel—persons who are also likely to be among the constituents of conservative Republicans.

**Discussion**

The recent rise of citizen militias has attracted a good deal of journalistic attention, especially in the wake of the 1995 bombing in Oklahoma City. Our research describes the rise of citizen militias in the 1990s and state policy initiatives that attempt to deter the formation and activities of private militias.

We put forth a general model of social regulatory policy formation and adoption to explain state anti-paramilitary laws. Our theoretical framework is particularly concerned with how governments and politicians balance opposing demands without alienating interest groups and constituents. The general model of policy adoption assumes that policy arises out of the demands and preferences of actors in the political environment, incrementally builds on past policy, and is often a reaction to the perceived scope of the problem.

The findings of our multi-variate analysis suggest that states are responsive to demands of groups on both sides of the paramilitary issue. States where the ADL is strong are more likely to adopt broad anti-paramilitary laws, while states where "pro-gun" supporters have more strength are less likely to adopt these laws. Broad anti-paramilitary laws are also more likely in states with a strong law enforcement bureaucracy and states with a history of similar legislation.

Most importantly, the threat posed by far-right paramilitary groups significantly increases the likelihood that anti-paramilitary laws will be adopted, while conservative Republicans decrease the probability that these laws will be adopted. This suggests that while anti-paramilitary laws arise out of a perception of the threat posed by armed far-right groups, conservative Republicans, faced with a constituency that supports some issues raised by paramilitary groups, may work to limit the scope of anti-paramilitary laws. In other words, conservative Republicans are likely to remain faithful to their constituencies, even though the security of the state may be threatened by anti-government groups. Future researchers can make use of our general model of policy
adoption to determine whether the enforcement of anti-paramilitary laws is influenced by the same factors important for the adoption of these laws. In particular, researchers might examine whether conservative Republicans try to undermine the enforcement of anti-paramilitary training laws, even in lieu of the threat posed to the state by anti-government paramilitary groups.

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Received: June 14, 1996
Accepted for Publication: December 11, 1996
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Stable URL: [http://links.jstor.org/sici?sici=1065-9129%28199709%2950%3A3%3C551%3ACA%22RMP%3E2.0.CO%3B2-S](http://links.jstor.org/sici?sici=1065-9129%28199709%2950%3A3%3C551%3ACA%22RMP%3E2.0.CO%3B2-S)

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The Mobilization of the New Right: A Test of Various Explanations

Pamela Johnston Conover


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