

UCLA

UCLA Public Law & Legal Theory Series

Title

Vigilante Nation: How State-Sponsored Terror Threatens Our
Democracy (Intro and Ch. 1)

Permalink

<https://escholarship.org/uc/item/1wn6x6h9>

ISBN

9781668023242

Authors

Michaels, Jon
Noll, David

Publication Date

2025-07-01

VIGILANTE —NATION—

HOW STATE-SPONSORED TERROR
THREATENS OUR DEMOCRACY



JON D. MICHAELS AND DAVID L. NOLL

ONE SIGNAL
PUBLISHERS

ATRIA

New York London Toronto Sydney New Delhi



ATRIA

An Imprint of Simon & Schuster, LLC
1230 Avenue of the Americas
New York, NY 10020

Copyright © 2024 by Jon D. Michaels and David L. Noll

All rights reserved, including the right to reproduce this book or portions thereof in any form whatsoever. For information, address Atria Books Subsidiary Rights Department, 1230 Avenue of the Americas, New York, NY 10020.

First One Signal Publishers/Atria Books hardcover edition October 2024

ONE SIGNAL PUBLISHERS / ATRIA BOOKS and colophon
are trademarks of Simon & Schuster, LLC

Simon & Schuster: Celebrating 100 Years of Publishing in 2024

For information about special discounts for bulk purchases, please contact Simon & Schuster Special Sales at 1-866-506-1949 or business@simonandschuster.com.

The Simon & Schuster Speakers Bureau can bring authors to your live event. For more information or to book an event, contact the Simon & Schuster Speakers Bureau at 1-866-248-3049 or visit our website at www.simonspeakers.com.

Interior design by Silverglass

Manufactured in the United States of America

1 3 5 7 9 10 8 6 4 2

Library of Congress Cataloging-in-Publication Data

Names: Michaels, Jon D. author. | Noll, David L., author.

Title: Vigilante nation : how state-sponsored terror threatens our democracy /
Jon Michaels and David Noll.

Description: New York, N.Y. : Simon & Schuster, 2024. | Includes
bibliographical references and index.

Identifiers: LCCN 2024017937 | ISBN 9781668023235 (hardcover) |
ISBN 9781668023242 (paperback) | ISBN 9781668023259 (ebook)

Subjects: LCSH: Right-wing extremists—United States—History. |
Vigilantes—United States—History. | Vigilantism—United States—History. | Militia
movements—United States—History. | Violence—Political aspects—United States.
Classification: LCC HN90.R3 M426 2024 | DDC 303.48/40973—dc23/eng/20240625

LC record available at <https://lcn.loc.gov/2024017937>

ISBN 978-1-6680-2323-5
ISBN 978-1-6680-2325-9 (ebook)

To Blaine and Toni, my heroes

JDM

To my kids, in the hope that vigilantes will lose once again

DLN



“You Just Have to Impose Your Will”

The Right Resurrects Vigilantism

Harry Dunn finally had a moment to catch his breath. It was the afternoon of January 6, 2021, and the veteran Capitol Police officer had spent hours battling the rioters who stormed the Capitol. With the insurrection suppressed, Dunn collapsed onto a bench in the Rotunda. Until that day, he had never once been assaulted while in uniform. Nor had he been called the N-word on the job.

Reliving everything he just witnessed—the violence, the righteous rage, the murderous fury—Dunn turned to a colleague slumped alongside him and asked: “Is this America?”¹



Millions of Americans shared Dunn’s bewilderment, but Steve Bannon wasn’t one of them. A driving intellectual force behind MAGA Republicanism, Bannon hosted a podcast, *The War Room*, whose listeners were as loyal as they were frenzied. For weeks, Bannon had been hammering away at the need to overturn the 2020 presidential election. His relentless trumpeting of the Big Lie culminated on January 5.²

Bannon claimed that the Democrats in Congress were going to “steal” the election. They’d do so by “illegally put[ting] forward electors from the state legislatures” and then certifying the bogus results.

Still, President Trump was “on the cusp of victory.” The reason, Bannon added, was Trump’s legions of loyal supporters: “You all turned out for the landslide, everything that was asked of you, knocking on doors, going to rallies, going to caravans, you did it all. You got people out . . . you did everything.”

Now the make-or-break moment was nigh. The following morning, Trump supporters would rally at the Ellipse. Like the “mass of heathens” following the “rising of a star in the east” to Bethlehem, the “army of Trump” was “following that star” and about to experience “the big reveal.” “*You are,*” he underscored, “*an active part of this.*” Bombarding his listeners with metaphors ranging from Jesus to the military to home makeover shows, Bannon closed with yet another: football—the MAGA faithful were “on the eve of a great victory for America if we just run the play.”

“Remember,” Bannon implored his listeners, “we control the state legislatures. We control these executives. You just have to *impose your will.*”

ONE SIGNAL
PUBLISHERS

IMPOSE

Let’s pause to consider exactly what Bannon meant. We can start with the obvious. Bannon wasn’t calling for his listeners to assemble at the Ellipse for a peaceful vigil. Nor would this be a conventional persuasion campaign. They’d tried persuasion—on Election Day and in lawsuit after lawsuit challenging vote counts—and failed. This was a campaign of force, of coercion, pressure, and perhaps violence—tools the desperate MAGA Republicans needed to use and use immediately.

YOUR

“There’s not a liberal America and a conservative America—there’s the United States of America.”³ Barack Obama’s message of inclusiveness and unity befitted a man whose 2008 election and 2012

X

reelection gave hope to those audacious enough to believe that the nation might finally exorcise the ghosts of Jim Crow.

Donald Trump's victory shattered that hope. Trump made clear that he represented the MAGA faithful and the MAGA faithful alone. Other Americans were not mere political rivals who differed over, say, tax or labor policies. They were threats—a danger to the United States and to the *real* Americans who built it.

Bannon had served as Trump's 2016 campaign strategist and then as his senior counselor in the White House. Now out of government, but still fiercely committed to the MAGA movement, Bannon didn't specify during his January 5 podcast which members of American society got to do the imposing—and on whom. And he didn't need to. Everyone knew. The "us" in the Trump/Bannon coalition define themselves by their place atop traditional hierarchies of race, religion, and gender. They're primarily white. They're overwhelmingly evangelical Protestants and Catholic traditionalists. And, though they skew male, all of those in the coalition embrace patriarchal understandings of sex, gender, and the family.

WILL

Political equals resolve conflict through majority voting rules—precisely what the nation's voters had done just sixty-three days prior to Bannon's cri de coeur. If voting fails to provide an acceptable outcome, those equals might litigate their dispute in court—just as Trump's lawyers did in November and December. Bannon's emphasis on "will" implies a fundamental rejection of democracy and democratic governance. "Will" is an intense, likely personal preference or conviction. It's the furthest thing from a collective judgment arrived at through the rigors of democratic voting, lawmaking, or adjudication. And those who insist on exerting their "will" do not yield to the majority.

Bannon's directive to his listeners to "impose your will" implies something else, too: desperation.

Bannon droned on and on about the opioid epidemic, economic backsliding, and bailouts of the big financial companies. But the two political parties weren't that far apart on those issues—certainly not far enough to motivate folks to storm the Capitol. What made this a “storm the Capitol” election was the fact that it was a referendum on white Christian control over the levers of government.

Some years earlier (not coincidentally during the Obama presidency), Bannon had argued to an audience at the Vatican that Western civilization had gone “off track.” He exhorted “the people in the church” to “bind together” to create “the church militant, to really be able to not just stand with our beliefs, but to fight for our beliefs against this new barbarity.”⁴ Trump was the MAGA corrective. Now, with Joe Biden and Kamala Harris poised to take the reins of federal power—and nominate record numbers of Black, Latino, and LGBTQ+ people to key government posts—the new barbarity was about to be realized. Storming the Capitol and thwarting Congress's attempt to certify the election would preserve and further entrench Bannon's brand of Christian nationalism.



Of course, the January 6 insurrection failed. After hours spent roaming the Capitol, brandishing clubs and Confederate flags, hunting members of Congress and the vice president, and livestreaming their exploits, the rioters were directed by Trump to go home in peace. The D.C. National Guard arrived. Order was restored.

But all was not well. Shortly after Harry Dunn, the embattled Capitol Police officer, had his moment of rest, the two houses of Congress reconvened. And clues to the question Dunn posed—“Is this America?”—started to appear. One hundred and forty-seven Republican members of Congress held firm to the lie that the election had been stolen, and voted against certification. In time, 197 House Republicans would vote against impeaching Donald Trump for “incitement to insurrection,” and 43 of their colleagues in the Senate would

vote to acquit. Though Fortune 500 firms swore up and down that they'd cut off donations to insurrection-supporting politicians, most quickly reopened the cash spigots. Right-wing politicians and media personalities labeled an enraged rioter, whom a besieged Capitol policeman had to shoot, a martyr. And they classified those convicted of January 6-related offenses as political prisoners.

Other, more damning clues were kept further from the public's gaze.

While workers were still cleaning up the wreckage from January 6, MAGA strategists were busy devising new, improved ways to impose their will. This cadre of lawyers, politicians, judges, and clerics had the kind of training, credentials, and public credibility that Bannon and Trump—not to mention discredited lawyers like Rudy Giuliani and Sidney Powell—could only dream of. While they seemingly shared Bannon's commitment to the forceful imposition of Christian nationalist rule, these strategists were mindful of the need to win over figures like Utah senator Mike Lee.

The son of a highly regarded Justice Department official, former clerk to Justice Samuel Alito, and darling of the Federalist Society, Lee was, and is, a master at straddling the line between old-school Republican conservatism and right-wing MAGA populism. Before the 2020 election, Lee proclaimed that the United States was "not a democracy" and that "democracy isn't the objective." Pressed to clarify, or withdraw, his claims, Lee doubled down, deriding what he termed "rank democracy."⁵

Lee also backed Trump's effort to overturn the election. In a series of text messages with White House chief of staff Mark Meadows and others in and around the Trump administration, Lee never objected to Trump's plan to impose his will after the voters rejected him. But he differed with Bannon on a crucial question of strategy: Where Bannon urged force, Lee counseled Trump to stay within the bounds of the law and employ legal arguments and reasoning to remain in office. Republican state legislatures inclined to disregard their voters' preference for Biden and nominate a slate of Trump electors should

do so “pursuant to state law,” Lee advised. He warned, “This will end badly for the President unless we have the Constitution on our side.” His proposal: “We need something from state legislatures to make this legitimate.”⁶

We need something from state legislatures.

We need to make this legitimate.

As the MAGA faithful took stock of the failed insurrection, they came around to Lee’s way of thinking. What Lee, and no doubt others, found anathema was the brash lawlessness and sheer chaos of the January 6 insurrection. (Lee voted to certify the results.) Going forward, for the Right to impose its will on the rest of the nation, it would have to take Bannon’s project and make it legitimate. The MAGA strategists, in other words, would have to *institutionalize* antidemocratic assertions of political control.



VIGILANTE NATION



CHAPTER 1

“We Need Something from State legislatures to Make This legitimate”: The January 7 Project

This book tells the story of those not chastened but rather energized by January 6—the story of their breathless rhetoric, their authoritarian ambitions, their brazen recruitment strategies, the radical initiatives they’ve launched, and the canny ways these operatives have managed to secure legal cover for their campaigns of political domination and terror. We shine a light on a new, or rather renewed, vision of terroristic governance, one that’s as paradoxical as it is devastatingly effective. We call it **Vigilante Democracy**.

Vigilante Democracy is not the brainchild of any one politician, philosopher, activist, or lawyer. It was not hatched all at once by an assembly of right-wing culture warriors. Bits and pieces of the project were crafted and refined over time, across dozens of states, counties, and municipalities, and—at least at first—with little awareness of how (or whether) the pieces would come together.

But come together they have. Across huge swaths of the United States, Vigilante Democracy is transforming how Americans work, have fun, study, love, and participate in the civic and political life of their communities and their country. Relying on legions of citizen culture warriors—everyone from PTA moms to abortion snitches to heavily armed white nationalist militiamen—Vigilante Democracy is resurrecting and enforcing (at times with violence) traditional status

hierarchies, and punishing women, racial and religious minorities, and LGBTQ+ people who make dignity and equality demands that threaten white Christian political and cultural power.

The media have hardly been asleep at the wheel. Dogged reporters have documented the physical, economic, and psychic toll imposed on transgender children in public schools, on pregnant women having to be medevaced across state lines to receive emergency abortions before sepsis kicks in, and on teachers who dare delve into the racist causes of the Civil War. They've recounted harrowing tales of violence against Black Lives Matter protesters and cataloged campaigns of intimidation and harassment against election officials in key districts in swing states.

But in-the-trenches reporting of specific vigilante practices doesn't capture how discrete spasms of Christian nationalist rage do systemic damage to the body politic. Vigilantes force the targets of these campaigns of control and terror to conceal their true identities, censor their words and activities, refrain from political and civic engagement, or flee vigilante-friendly jurisdictions for good.

Some see vigilantes as waging and winning a "culture war." As we'll explain, this is not MAGA's ultimate objective. Its prosecution of a culture war is in service of a broader, downstream electoral strategy, one that aims to forestall, if not altogether subvert, true democratic equality in America. Whereas someone like the *Atlantic's* Adam Serwer might say that *the cruelty is the point* of the MAGA movement, we believe that the cruelty is a means to an end. And that end is to further subordinate already vulnerable and marginalized individuals and communities. If successful, the American Right will prevent the targets of their campaigns from making what would otherwise be powerful and effective political demands at precisely the moment when white Christians fear the loss of their dominant position in society.

As we see it, *suffocating democracy is the point.*



The January 6 insurrection was lawless and undemocratic, a last-minute, last-ditch attempt. The architects of Vigilante Democracy nonetheless saw tremendous potential in the phalanxes of culture warriors who descended on the Capitol, risking life, limb, and livelihood in pursuit of an ill-defined and near-impossible goal.

Future assertions of private power (and impositions of “your” will) would, these architects realized, have to be lawful. So if MAGA officials wanted to harness partisans who act like a bunch of thugs—and win over the likes of Mike Lee—they would need to first *legalize* thuggery. And all across red states, from Indiana to Idaho and Texas to Tennessee, state legislatures got busy doing precisely that.

LEGAL VIGILANTISM?

We’re all familiar with *extralegal* vigilantes—individuals or groups of citizens who take it upon themselves to enforce their understanding of the social order, especially when they think government officials aren’t able or willing to do so. In old Westerns, vengeful posses chase down suspected horse thieves and cattle rustlers. Eager to lynch these presumptive outlaws, the posses would clash with the no-nonsense sheriff who insists the accused receive a full and fair trial.

Vigilantism of that sort is hardly limited to life on the frontier. There’s a gritty, urban counterpart. Take Charles Bronson’s character in the seventies classic *Death Wish*—a film sufficiently popular to garner four sequels and a 2018 Bruce Willis remake. In the original, furious over the NYPD’s inability to keep New Yorkers safe, Bronson takes matters into his own hands, breaking every law on the books along the way. Then there’s 24’s Jack Bauer, the ruthlessly zealous federal agent who exits what he sees as an overly sclerotic, timid bureaucracy so he can operate *outside the law*, employing unconstitutional methods to grill suspects and protect the homeland.

So long as we’re thinking of vigilantes in pop culture, the modifier *extralegal* in front of vigilantism seems redundant. But

Hollywood depictions aside, vigilantism needn't be unlawful, and vigilantes needn't be at odds with government officials.¹ The state may well encourage vigilantism. Through statutes and regulations, judicial decrees, executive directives, winks from high-ranked government officials, and assurances by police and prosecutors that they'll "look the other way," the state emboldens individuals and groups to surveil their communities and enforce existing laws or desired social norms. The state can go even further, providing financial incentives for those eager to prosecute some partisan or cultural agenda through vigilantism. Thus, just as the term extra-legal vigilantism is no redundancy, legal vigilantism is far from an oxymoron.

This latter style of vigilantism is less familiar today, but throughout most of our nation's history, legal vigilantism was not only commonplace but also a foundational feature of American life. This was certainly true in antebellum times, when state and federal laws authorized plantation owners, bounty hunters, and other agents to uphold and ruthlessly enforce the slavocracy. And it was just as true during the long decades of Jim Crow, when lawmakers, judges, sheriffs, mayors, and governors devised vicious legal strategies relying on private actors to expand and intensify state efforts to reinstall and then perpetuate white supremacy.

January 6 was extralegal, for sure. There was no authority for MAGA diehards to impede the business of Congress, to hang Vice President Mike Pence, to get "the big Jew" (a reference to Senator Chuck Schumer), or "shoot" House Speaker Nancy Pelosi.² Harry Dunn and his fellow Capitol Police officers were hardly looking the other way. And the Justice Department has prosecuted hundreds of trespassers, rioters, and insurrectionists.

The plan for January 7—and beyond—was to legalize attacks on democracy.

DEMOCRATIC VIGILANTISM?

Just because Mike Lee self-identifies as a critic of “rank democracy”—and Steve Bannon is comfortable sounding downright thuggish when imploring his listeners to impose their will on the rest of the American public—doesn’t mean that others (including others in the MAGA inner sanctum) are similarly brazen. Certainly not after January 6.

It looks bad to lay siege to county board of election offices while votes are being tallied. It looks bad to follow election officials home and harass them and torment their families. It looks bad to threaten to hang a vice president on the day Congress is charged with certifying a presidential election. And it looks bad to storm the Capitol. The key to the January 7 Project was, and is, to do enough before the ballots are counted to ensure the “real Americans” win without breaking a sweat.

This would be no small feat given the cultural, economic, and demographic tides lifting the prospects of Black and brown Americans, non-Christians, LGBTQ+ persons, and women who consider themselves the equals of men.

To that end, menacing campaigns of harassment and violence couldn’t be limited to big political events—rallies, voter registration drives, and election days. Those would be swept in, for the sake of completeness, but they’d hardly be enough. Private enforcement of the ancien régime would instead have to be an “everyday crusade.”³ And it would have to operate across different domains, using different tools, and targeting different constituencies who threaten white Christian political and cultural hegemony.

The innumerable triggers for right-wing outrage made mobilizing the everyday crusade straightforward. There’d still be a role for brute force. But, going forward, what the *New York Times*’ Charles Blow called an “army of the aggrieved”⁴ would be expanded. They would recruit from among the ranks of persnickety K–12 parents, gun-wielding teens, petty athletic coaches, road-raging commuters, nosy neighbors, prying colleagues, and buck-chasing lawyers. Once

these armies were assembled, they could monitor school libraries and ball fields, sniff around their communities and workplaces, and mount counterprotests at rallies for reproductive autonomy, racial justice, and LGBTQ+ rights.

To describe this as a mere culture war would be misleading in another respect: It trivializes the stakes. This is, again, a war on American democracy. Here's why: The targets of the culture war may be compelled to conceal their identities, keep their political opinions to themselves, censor what they say and teach their children, forgo life opportunities, incur physical and emotional abuse, and refrain from full participation in the civic community. Some—perhaps many—will leave the jurisdictions where these armies of the aggrieved are permitted, even encouraged, to operate.

Put more bluntly, the targets are targets because they threaten not only white Christian sensibilities but also white Christian political power. The nation is at an inflection point. Are we going to march onward in the quest for a true democracy (and a multiracial one at that)? Or are we going to halt, even reverse, that march, allowing the old guard to hold on longer, perhaps forever?

WHY *PRIVATE* ACTORS?

We've already said the plan going forward would be to legalize vigilantism. But if the governors, legislators, sheriffs, prosecutors, county supervisors, and local school boards were willing to authorize the waging of these culture wars—thus entrenching white Christian social and political power—why not use the instruments of the states themselves? Wouldn't private partisans just be duplicating what the government can (and is willing to) do?

Far from it. Vigilantes make sense in solidly red communities as a force multiplier; there simply are more private, would-be culture warriors than there are government officials. Just as importantly,

private partisans can be more effective actors, both because they blend into social, educational, and workplace settings more effortlessly than government officials and, as we will explain, because they operate with fewer constitutional constraints.

Legal vigilantes also lock in community norms beyond those explicitly codified in law. Deputized and mobilized neighbors and colleagues are likely to deter a broader array of political, civic, and personal expressions than those the state has specifically proscribed. And their mere presence may motivate liberals or demographically diverse families to move away from jurisdictions that embrace vigilantism (and dissuade others from moving into those jurisdictions), further boosting the political power of right-wing community members.

Legal vigilantes are socialized, subsumed, and at times subsidized by the MAGA governing regime. Deputized in these ways, vigilantes are likely going to be even more reliably enthusiastic right-wing voters and, further, may feel emboldened to run for state or local offices.

Legal vigilantes also provide useful cover to so-called respectable Republicans in office. If and when administrators and politicians are called to task for absurdities such as banning Art Spiegelman's *Maus* or a Jackie Robinson picture book, those officials can distance themselves from overly zealous community members' actions and play up their sobriety and moderation by chiding or reining in the private partisans.⁵

Last but hardly least, legal vigilantes are especially useful in urban, progressive pockets within solidly red states. Locally elected prosecutors in Democratic strongholds such as Houston and Memphis may well refuse to enforce state abortion bans. With a vigilante law like Texas's S.B. 8, the local prosecutors are no longer the final word. Now, even a handful or two of right-wing partisans can do powerful work upholding that statewide ban, ensuring comprehensive compliance notwithstanding the clear democratic preferences of local communities.

THE PLAYBOOK

Vigilante Democracy is a sprawling, suffocating, and ever morphing and metastasizing approach to law, politics, and governance. We've been tracking it since shortly after the insurrection, when lawmakers in Florida, Texas, and Tennessee began to revive legal vigilantism and supercharge it to meet the MAGA moment. From our study of those states and a dozen or so more, we have gleaned four distinct strategies and pathways. Both individually and collectively, these four approaches reflect the resourcefulness, resilience, and ruthlessness of a MAGA regime that learned from the mistakes it made in 2020 and early 2021 and is determined not to repeat them.

Dissenter Vigilantism

In a well-functioning, modern democracy, the majority gets to decide most questions of public policy. When there are concerns that those decisions might impose particular hardships on those who are conscientious objectors of one sort or another, legislatures or regulatory bodies may authorize opt-outs. Historically, these opt-outs acted like a *shield* against overreaching state power. If you or your family had especially strong objections to, say, sex-ed classes or vaccine requirements, the state wouldn't force you to participate. But you couldn't impose your will on everyone else. The sex-ed class would go on. Dissenters would have to sit in study hall until the lesson ended. And the vaccine requirement would stay in effect, protecting public school kids from the ravaging effects of measles and polio. Dissenters would have to be privately educated.

Post-January 6, Vigilante Democracy is flipping the script and giving dissenters offensive power—*swords*—over those in the majority. It's doing so, notably, at a moment when white Christian political power is no longer democratically assured. Equipped now with swords instead of shields, students of dissenting families can ignore public health regulatory requirements, continue attending public schools, and endanger the entire student body. And whereas students

of dissenting families once were excused from not only sex-ed lessons but also certain history, literary, or science assignments, they now have the right in some jurisdictions to insist those lessons and assignments never be taught in the first place, to any of their peers. Their dissents effectively override the will of the locally elected members of a city council or school board.

Courthouse Vigilantism

Next is what we call courthouse vigilantism: Private individuals are deputized and financially rewarded for bringing proceedings against individuals or institutions that offend their sensibilities. Laws such as Texas’s S.B. 8, Florida’s infamous “Don’t Say Gay” law, and a slew of far less publicized statutes authorize right-wing partisans to initiate lawsuits and disciplinary proceedings to punish teachers, librarians, medical providers, and school administrators.

Using private actors to shape and police community norms is, once again, devastatingly powerful. The state can’t be everywhere, all the time. But regular people certainly are. And it takes just a few of them to stamp out reproductive healthcare, kick transgender children off sports teams and out of restrooms, strip school libraries of books during annual celebrations of Black History Month, and deter teachers from putting Pride stickers on their corkboards. Because you never know who might be sufficiently outraged, sufficiently greedy (to collect a cash bounty), or sufficiently petty to use these laws to settle long-standing personal grudges, everyone needs to be on guard, and on edge, all the time—a terrifying way to live even if no suit is ever filed.

Street Vigilantism

Harnessing and further legalizing a project that started gaining momentum before January 6, all three branches of state governments are creating conditions favoring those who would deter and disrupt legitimate political rallies or protests. Look no further than the acquittal and subsequent far-right beatification of Kyle Rittenhouse.

The then-seventeen-year-old Rittenhouse traveled from his Illinois home to Kenosha, Wisconsin, ostensibly to protect Kenosha business owners from property damage. Armed with an AR-15, Rittenhouse ended up shooting three BLM protesters, killing two of them. Even though he intentionally sought out conflict, and traveled miles to engage in it, Rittenhouse insisted he was acting in “self-defense.” Acquitted in a trial in which the judge admonished prosecutors for referring to those Rittenhouse killed as “victims,” Rittenhouse left the courthouse and went straight to Fox News. And, ever since, right-wing media, politicians, and the restive Republican base have treated the high school dropout like a cross between a MAGA rock star and cuddly mascot.

The extremely permissive state of gun regulation in this country, the broadening of self-defense laws from a duty to retreat to stand your ground, and a political culture that privileges force over reason helped ensure that Rittenhouse would walk out of the courtroom a free man. Now, thanks to new rounds of “anti-riot” legislation (and courts’ continued attacks on long-standing gun control laws), those enraged by racial justice, LGBTQ+ rights, or reproductive rights demonstrations can roll up armed to the teeth in a show of menacing force and, in some states, ram their cars into the protesters (provided the motorists feel “threatened”). The message these laws send is unmistakable: Continue to protest at your peril. Semiautomatic weapons and accelerating trucks speak louder than words and land more devastating blows.

Electoral Vigilantism

Last is the direct assault on elections themselves, with states deputizing or condoning right-wing culture warriors’ efforts to surveil, unilaterally challenge, and harass voters, candidates, voter registrants, and election officials. Since 2020, harrowing attacks on election officials have threatened to upend election results. Though they’ve operated at the local level (where almost all election administration happens in the United States), these campaigns have

national, and even global, effects. After all, successfully cowing even tiny percentages of voters or election administrators in heavily Democratic cities and counties in Nevada, Arizona, and Georgia could easily swing a presidential election or change which party controls the U.S. Senate.

THE VIGILANTE STATES OF AMERICA

These four pillars of Vigilante Democracy undergird a regime of terror and subordination. In red states across America, citizens are encouraged and empowered to Make America Great Again by re-creating or reinforcing traditional hierarchies of race, gender, religion, and wealth. Their efforts result in the demoralization and deprivation of LGBTQ+ children seeking to play sports or use public restrooms; of women exercising their reproductive rights; of teachers and students examining questions of race, sex, and gender; and of all those taking to the streets and to the polls in support of greater democratic equality. Their efforts result, too, in the incapacitation of would-be allies, who are threatened with financial ruin, the loss of professional status, and quite possibly bodily harm if they lend too much support to those targeted for subordination.

Vigilante Democracy isn't about shackling society writ large. The partisans who structure it and those who enforce it have no intention of closing the streets to *all* political activism; of shuttering entire hospitals; or of banning basketball. They're aiming to deny or restrict access to those deemed inauthentic Americans. So far, their success has been nothing short of staggering.

Reporting suggests that, for the first time since the end of Jim Crow, substantial numbers of Americans are considering fleeing jurisdictions where legal vigilantism imperils or diminishes their lives or livelihoods. And then there is the even larger number who can't or won't contemplate leaving—because of family ties or financial constraints. Those Americans are increasingly resigning themselves to life as second-class citizens.⁶

Meanwhile, red states are competing with one another to ratchet up the pressure they apply on their citizens; threatening to prosecute those who leave the state to seek abortions; and even going after blue state individuals and organizations for providing financial or medical assistance. And those at the forefront of the legal vigilante movement—everyone from members of the ethnonationalist Proud Boys militia to book banners to religious fundamentalists—are beginning to run for, and win, local offices.

The net effect is the enforcement of Christian nationalist values in nearly half the states in the Union, the entrenchment of MAGA political power (including at the national level), and the enervating and dispersing of left-of-center political challengers who otherwise would be on the precipice of unseating right-wing incumbents in free and fair elections.

As we look ahead to the next few rounds of critical elections, we remain haunted—less by the feverish rioters of January 6 than by the cool, calculating strategists who spent the subsequent days, months, and years devising and legitimating a vigilante-based regime that aims to ensure Christian nationalism never comes up short again.

For the same reason, we consider Mike Lee an even more central figure than Steve Bannon. On January 6, Mike Lee played the part of the respectable Republican. He flagged for all involved the importance of legal authority; but if there had been a basis in law to negate the election results, Lee seemingly would have counseled the few remaining old-school conservatives in Congress and the White House to *go right ahead*. So, rather than treat Lee as one of the proverbial adults in the room outraged at the prospect of anyone conspiring to overturn a presidential election, we should look to him as putting a lawyerly spin on one of Donald Trump's most revealing of aphorisms.

"When you're a star," Trump grotesquely boasted, "they let you do

"WE NEED SOMETHING FROM STATE LEGISLATURES TO MAKE THIS LEGITIMATE"

it. You can do anything. Grab 'em by the p*ssy. You can do anything." Lee may not share anything like Trump's penchant for fetishizing fame and denigrating women. But he does fetishize legalisms and denigrate (real) democracy. For him, *once you pass a law, they let you do it. You can do anything.* Even subvert democracy.

