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Popular Culture: "Above the Law"[†]

SUSAN JEFFORDS*

On December 13, 1995, a group of Texas citizens declared themselves independent of the United States, identifying themselves as the Republic of Texas, and appointing a president, vice-president, secretary of state, counsel general, and treasurer.¹ In August of the following year, they sent a letter to the United Nations, notifying it of the official flag and military insignia of the Republic.² Members of the Republic convened common law courts and began filing liens against property owned both by government officials and by private citizens, filing them with county and district clerks.³ One lien in February of 1996 was filed against all state property in Texas.⁴ Republic members believed that Texas was unconstitutionally declared part of the United States in 1845, and they did not acknowledge the authority of the United States government in Texas.⁵

In response, Texas Attorney General Dan Morales sent a warning letter to the Republic, declaring, "You, the 'Republic of Texas,' and those acting in concert with you, have every right to protest our government but have no right to violate its laws."⁶ Donald Varnell, secretary of plans, powers, constitution and convention for the Republic, insisted that Republic members "have not violated any law. He (Morales) says lots of things, but that's not law."⁷

Like the Montana Freemen before them, and like other separatist movements in the past two decades, the Republic of Texas citizens did not recognize the laws of the U.S. government or of the individual states.⁸ Arguments vary, but the primary claim is that the powers of the federal government exceed the boundaries set for it by the

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1. See THE REPUBLIC OF TEXAS, REVISED PLANS AND POWERS, <http://www.texasrepublic.com/plans98.html> (last visited on Nov. 3, 2001) (on file with the *Indiana Law Journal*) [hereinafter PLANS AND POWERS OF THE REPUBLIC OF TEXAS].

2. See *Republic Group Contacts U.N.*, TEXAS NEWS ARCHIVES, Aug. 20, 1996, available at <http://www.texnews.com/news/tex.aug16-3196.html>.

3. See *Judge Stops Republic of Texas from Filing Bogus Property Liens*, ASSOCIATED PRESS, July 9, 1996, available at <http://www.chron.com/content/chronicle/metropolitan/96/0710/republic.html>.

4. *Id.*

5. See, e.g., THE REPUBLIC OF TEXAS, INTRODUCTION TO THE REPUBLIC OF TEXAS, at <http://www.texasrepublic.com/Intro.html> (last visited Nov. 3, 2001) (on file with the *Indiana Law Journal*) [hereinafter INTRODUCTION TO THE REPUBLIC OF TEXAS].

6. Michael Holmes, *Texas Attorney General Warns Republic of Texas Members*, ASSOCIATED PRESS, May 23, 1996, available at <http://www.chron.com/content/chronicle/page1/96/05/23/republic.html>.

7. *Id.*

8. See, e.g., *Freeman Renounce U.S. Government as 'Corporate Prostitute'*, CNN INTERACTIVE, Apr. 9, 1996, available at http://www.cnn.com/US/9604/09/freemen_update/index.html; INTRODUCTION TO THE REPUBLIC OF TEXAS, *supra* note 5.

Constitution.⁹ Whether challenging income taxes, environmental regulations that define how private property can be used, or the use of identification and licensing systems, these citizens argue that the Constitution never required or allowed for such actions and that any laws relating to them are illegal.¹⁰ In the most extreme form, such arguments are combined with narratives of racist betrayal, in which the federal government is complicit in a plot to eliminate or weaken the white race, or in which the federal government is believed to be engaged in a one-world government plot to deny U.S. sovereignty (these are the “Black Helicopter” stories¹¹). In milder forms, the primary focus is upon the Constitution itself, with extensive investigations into U.S. history and politics to prove that federal powers are illegal.¹²

Whatever their form, the single feature that ties these antigovernment movements together is their treatment of the law. In each case, militia and separatist members insist not only that their actions are not illegal but that the government’s actions against them are illegal. In contrast to the kinds of defiance of the law that were seen in the antiwar movement, in which it was not the government’s authority to set laws but the content of the laws themselves that was being questioned, these new antigovernment members are challenging the very authority of the federal government to make laws. These challenges are most often waged through referencing early U.S. history and legal discourse. The Montana Freemen Web site, for example, has a link to *Bouvier’s Law Dictionary*, citing it as the text “referred to by patriots who want to double check the meaning of words in today’s legal dictionaries compared to the legal definitions of our nation’s not too distant past.”¹³

In the brief time I have here today, I’d like to sketch the outlines of a relationship between law and culture, especially popular culture narratives that depict not simply the law, but governments, law officers, and legal documents. I’d like to do so by looking, not at those narratives in which the law is most openly represented as an efficacious and/or legitimate enterprise in the pursuit of justice (such as *The Firm*¹⁴ or *Legal Eagles*¹⁵), but in which the law figures as one of the chief impediments to certain ideas of justice. Most specifically, I’m interested in looking at narratives that

9. See, e.g., INTRODUCTION TO THE REPUBLIC OF TEXAS, *supra* note 5.

10. See generally Jesse Enloe, *Do We Understand Freedom, or Fear It?*, at <http://www.texasrepublic.org/understand.html> (Nov. 25, 1999) (on file with the *Indiana Law Journal*).

11. As quoted from the Web site, The Little Black Helicopter Page: “Quite simply, the Little Black Helicopters are aircraft used by the United Nations to prepare for a total Takeover of the United States. The privately held property inside the United States would be internationalized, the citizens’ weapons confiscated, and children gang-raped if we allow them to continue their covert operations.” LITTLE BLACK HELICOPTER PAGE, at <http://www.sss.org/lbh> (last updated May 20, 1996) (on file with the *Indiana Law Journal*).

12. See, e.g., INTRODUCTION TO THE REPUBLIC OF TEXAS, *supra* note 5.

13. BOUVIER’S LAW DICTIONARY (6th ed. 1856), at <http://www.loveforamerica.freeyellow.com/bouviere.html> (last visited Nov. 3, 2001) (on file with the *Indiana Law Journal*). The Montana Freemen Web site has, since this printing, apparently been taken down. The Love for America Web site has links to numerous Patriot causes, including *Bouvier’s Law Dictionary*.

14. THE FIRM (Paramount Pictures 1993).

15. LEGAL EAGLES (MCA Home Video 1986).

represent what might, for shorthand, be called "far right" or "militia" organizations¹⁶—what I will call here "Patriot narratives." Through a brief discussion of a few exemplary narratives,¹⁷ I want not only to outline the kinds of *law* that are being challenged but to speculate as well on how such narratives are working into contemporary U.S. social configurations. Specifically, I want to explore the conjunction between Patriot narratives, the construction of the idea of rural spaces, and the changing configurations of masculinity in the United States—especially white masculinity, and its forms of expected inheritance.

The single characteristic that defines these narratives is the argued necessity of being "above" or "outside" the law. As in the case of the Republic of Texas, federal law was being challenged and replaced by the laws of the Texas Republic.¹⁸ In such a context, the citizens of the Republic could argue that they were no longer subject to the laws of the United States, in particular of its court system. Patriot narratives suggest primarily three forms of being "above the law," each of which requires, like the Republic of Texas, replacing federal law with another set of laws: 1. identifying a "truer" form of the law based on moral values; 2. identifying a more "original" form of U.S. law; and 3. identifying a "higher" law affiliated with biblical or mythic narratives.¹⁹ Importantly, in none of these narratives do we see efforts to abandon the law altogether but instead to replace it with an alternative set of laws that are derived from other sources.

In its most straightforward form, these narratives argue for an adherence to law in defense of a "truer" form of the law that has not been tainted by corruption, bureaucracy, self-interest, and inaction. The most popular versions of this form can be seen in films such as the *Lethal Weapon* series, in which the films' heroes are forced to act in defiance of police department procedures and regulations in order to stop a series of very bad people, including a set of former Special Forces commandos banded together in a drug import business;²⁰ a group of South African diplomats engaged in a money laundering scheme;²¹ and an Asian gang perpetrating a counterfeit operation, a human slavery ring, and a massive drug-smuggling business.²² Importantly, Martin Riggs (Mel Gibson) and Roger Murtaugh (Danny Glover) fight to preserve social values rather than specific state interests. While stopping the flow of destructive drugs and human trafficking are among their clearest targets, the single value that is most fiercely defended in these films is that of the nuclear family itself, as Murtaugh's family invariably comes under attack in each film.²³ The clearest rule of how Riggs and Murtaugh must act above the law in order to preserve these values is established early in the series, when Riggs—a former Special Forces assassin who

16. These terms are themselves somewhat problematic in that they do not accurately encompass the complex details or range of ideas that characterize such organizations and interests.

17. ANDREW MACDONALD, *THE TURNER DIARIES* (2nd ed., Barricade Books, Inc. 1996) (1978); the *LETHAL WEAPON* series (Warner Bros.); *THE PATRIOT* (Columbia TriStar 1988).

18. See, e.g., *PLANS AND POWERS OF THE REPUBLIC OF TEXAS*, *supra* note 1.

19. See generally sources cited *supra* note 17.

20. *LETHAL WEAPON* (Warner Bros. 1987).

21. *LETHAL WEAPON 2* (Warner Bros. 1989).

22. *LETHAL WEAPON 4* (Warner Home Video 1998).

23. See *id.*; *LETHAL WEAPON*; *LETHAL WEAPON 2*; *LETHAL WEAPON 3*.

served in Vietnam—argues that Murtaugh's practice of shooting to wound criminals rather than kill them is not capable of achieving the justice both they and the film's audience know to be demanded. As Riggs tells Murtaugh when they are about to depart to rescue Murtaugh's daughter, "We do this my way. [When] you shoot, you shoot to kill. Get as many as you can."²⁴ Most importantly, Riggs and Murtaugh are successful, and are, in other words, heroic only when they act above the law by replacing the law with a set of moral values that supercede legislative enactments.

It would be impossible to name here all of the popular U.S. narratives in which this same pattern obtains. Any Tom Clancy novel, any Steven Seagal film, any Jean-Claude Van Damme film, almost any Sylvester Stallone film, and numerous novel and film titles that have graced the best-seller or top-grossing film lists are structured precisely around this dynamic tension between legalistic notions of the law and a more moralistic definition of the purposes of the law. What is important is that, in each case, the moment of narrative heroism—and the point around which the narrative's anxieties rotate and are resolved—is the point at which the protagonist decides that he (and it is largely he) must act in defiance of a law that is preventing him from protecting values and enacting justice. And, because these narratives are almost exclusively not only categorized as action thrillers but also revolve around the very decision to act rather than remain inactive (and thus nonheroic), we must assume that the narratives' likely target audiences—fifteen- to twenty-five year-old males for film and thirty- to fifty-year-old males for novels—are not simply being exposed to such arguments and justifications, but are finding them satisfying and compelling in profound ways.

In its second form, Patriot narratives present cases for action "above the law" by arguing for a defense of a more original or "truer" form of U.S. law. Most frequently, such arguments are tied to the Constitution and the attributed beliefs of the Founding Fathers. The Texas Republic, for example, argued, not that Texas should secede from the United States, but that it was never legally incorporated into the United States by constitutionally approved procedures.²⁵ Similarly, numerous militia and separatist groups argue for the illegitimacy of any constitutional amendments and accept only the Bill of Rights.²⁶ Many claim as well that the system of federal income tax was also never legally approved and is therefore completely illegitimate.²⁷ One of the most heated debates, of course, is about the Second Amendment, with numerous and

24. LETHAL WEAPON. Script available at <http://actionadventure.about.com/cs/lethalweaponigt/> (last visited Jan. 18, 2002) (on file with *Indiana Law Journal*).

25. See, e.g., REMONSTRANCE, WE THE PEOPLE CONGRESS, at <http://www.givemeliberty.org/features/taxes/remonstrance/index.htm> (Nov. 3, 1999) (declaring the 16th Amendment to have been invalidly approved by Congress) (on file with the *Indiana Law Journal*).

26. Such views are often found in "constitutionalist" groups, which are sometimes linked to the Posse Comitatus, the Minutemen, and the Christian Patriot movement. For an excellent summary of the beliefs and aims of such groups, see Paul de Armond, *Putting the Far Right into Perspective*, Public Good Project, at <http://nwcitizen.com/publicgood/reports/spectrum>.

27. See, e.g., LAW ENFORCEMENT AGENCY RESOURCE NETWORK, TAX PROTEST MOVEMENT, at <http://www.adl.org/learn/ext%5Fus/tpm.asp> (last visited Jan. 18, 2002) (on file with the *Indiana Law Journal*).

vituperous arguments being made that any federal or state laws that control or prohibit gun possession are in direct violation of the Constitution and the collective will of the Founding Fathers.²⁸ It is for this reason that many separatist and far right Web sites include information about or links to documents about constitutional law.²⁹ Some of the best-read early American historians I have met have been members of such groups, avid researchers in constitutional issues and interpretations.

Perhaps the best example of this strategy is in the 1998 film, *The Patriot*,³⁰ starring Steven Seagal. It is the story of how Floyd Chisolm (Gailard Sartain), leader of the 5th Montana Militia, releases a biological agent into a rural Montana community in an effort to gain control of the area and declare it under his militia's laws.³¹ Believing that he has the only existing antidote, he challenges the laws of the local courts and justice system to affect him.³² During Floyd's arraignment, the judge declares to Floyd, "If you break the law of the land, someone's going to lock you in jail."³³ Floyd's retort captures the spirit of this second Patriot strategy: "The law of *your* land ain't the law of *my* land. I don't recognize this court."³⁴ As he says this, Chisolm spits on the judge, infecting him with the deadly virus.³⁵

While the film clearly rejects the actions of Chisolm and his followers, it does not come down firmly in favor of the federal government either.³⁶ When the antidote fails, Dr. Wesley McClaren (Steven Seagal), a local naturopathic physician, takes charge.³⁷ A former CIA scientist who helped to develop germ warfare materials, he discovers that the CIA does not have an effective antidote either and the plague threatens to spread beyond the small town to the rest of the country.³⁸ It is only McClaren's connections to a local Native American elder, his father-in-law, that save the day, when he discovers that flowers used in herbal remedies can cure the plague.³⁹

The third form of being "above the law" is that in which current U.S. laws are replaced, not by any laws or values specific to U.S. culture, but by a set of laws that supercede all contractual legal frameworks. Most frequently, these narratives take the shape of either biblical and or racial mythologies, in which adherents are being asked to return to a certain set of laws that were put forward in the Bible or as part of a "natural plan." While we can include Waco, the White Aryan Resistance, and numerous cults influenced by the Christian Identity movement under this heading, possibly the best-known and most influential of these narratives was put forward in

28. See Marquerite A. Driessen, *Private Organizations and the Militia Status: They Don't Make Militias Like They Used To*, 1998 B.Y.U. L. REV. 1, 1-3.

29. See, e.g., AMERICANPATRIOTNETWORK, at <http://www.civil-liberties.com> (last visited Jan. 18, 2002) (on file with the *Indiana Law Journal*).

30. THE PATRIOT (Columbia TriStar 1998).

31. See *id.*

32. See *id.*

33. *Id.*

34. *Id.*

35. See *id.*

36. See *id.*

37. See *id.*

38. See *id.*

39. See *id.*

the novel, *The Turner Diaries*,⁴⁰ a supposed personal account of a member of “the Organization,” a group that overthrows the U.S. government—what they call “the System”—in 1993 to replace not only the United States but all nations with a system of racial purification.⁴¹ *The Turner Diaries* is perhaps best known for being a book read avidly by Timothy McVeigh,⁴² but it is also widely sold at gun conventions and shows, at survivalist meetings, and is a key document for many white supremacists.

The plot of *The Turner Diaries* is fairly straightforward. Earl Turner, a member of an underground group called the Organization, works with comembers to thwart and finally overthrow the U.S. government.⁴³ His motivation is almost exclusively racial, as he works towards a world of white purity.⁴⁴ After an eventual nuclear war initiated by the Organization in which much of the planet is destroyed, a new society is founded in which white purity becomes the basis for a social organization that seems to develop naturally from the association of whites together.⁴⁵ The deliberate “war of extermination” eliminated all nonwhites and any whites who were sympathetic to them.⁴⁶ Nuclear, chemical, and biological attacks yielded “16 million square miles of the earth’s surface . . . effectively sterilized,” producing a “White world.”⁴⁷

Earl Turner begins his diary with an account of the Gun Raids, an effort by the System to remove all guns from private ownership, enforcing the Cohen Act passed eighteen months earlier.⁴⁸ In open defiance of government law, Turner celebrates the fact that so many U.S. citizens refused to turn in their guns: “It was only because so many of us defied the law and hid our weapons instead of turning them in that the government wasn’t able to act more harshly against us after the Gun Raids.”⁴⁹ Combining the worst nightmares of the NRA and of white supremacists, the novel opens with a group of African-American “special deputies” forcing their way into Turner’s apartment to take his guns.⁵⁰ In the face of what is described as brutal attacks by the deputies, defiance of the law becomes not only approvable but heroic.⁵¹

There are numerous other narratives that we could discuss here today, but with these few examples, I would like to move forward to talk about the implications of these narratives about the law. What I hope is immediately apparent is that these forms of acting “above the law” stand in a continuum rather than as a set of discrete groups. While *Lethal Weapon 2* overtly criticizes the racist system of apartheid in South Africa in severe contrast to the racial genocide of *The Turner Diaries*,⁵² their underlying narratives and, perhaps more importantly, their affective structures are not

40. MACDONALD, *supra* note 17.

41. *See id.* at 205-11.

42. *See “Turner Diaries” Introduced in McVeigh Trial*, CNN, Apr. 28, 1997, at <http://www.cnn.com/US/9704/28/okc> (last visited Nov. 13, 2001).

43. *See* MACDONALD, *supra* note 17, at 205-11.

44. *See id.*

45. *See id.*

46. *Id.* at 207, 209.

47. *Id.* at 47.

48. *Id.* at 1.

49. *Id.*

50. *Id.* at 1-2.

51. *Id.* at 1-3.

52. *Id.* at 209.

that far apart. Both argue for the necessity of defying bureaucracies that are defined as incompetent and incapable of stopping real evil; both depict protagonists whose heroic actions are defined precisely by the degree to which they are willing to defy bureaucratic law for the sake of more important values; and both valorize action, especially violent action, as the primary indicator of what constitutes heroic behavior. Literary critic Janice Radway taught us many years ago in her study of women romance readers that it is less the narrative logic than the affective dynamic of novels that readers find compelling.⁵³ So, in her study, romance readers forgot about whether, in the end of the novel, the heroine eventually married or seemed somewhat tamed by the dashing male love interest, and instead focused on the affectively compelling scenes in which the male hero submits to the woman's power and declares his love.⁵⁴ In the same way, I am concerned that audiences for these narratives may be less persuaded by the narrative's racialized content than by the more affectively compelling scenes of confrontation, violence, and defiance.

While there is no evidence like Radway's that would directly support this argument, we do have substantial evidence about the social, economic, and cultural status of these narratives' primary characters and audience—white men, particularly middle- and working-class white men. Much recent evidence shows that these men—particularly the working-class white men who are most likely to constitute the membership of Patriot groups—are angry, and that they target their anger at women, people of color, and the government.⁵⁵

As sociologist Michelle Fine and her coauthors have reported, working class white men are indeed very angry.⁵⁶

In our interviews with poor and working-class males . . . we hear a mantra of losses that they narrate, angrily, bitterly, with pointed fingers. From days gone by, they have lost wives whom they thought would stay home and cater to them, good jobs in the public sector and those protected by labor unions. Their schools and communities have been "invaded" by people of color. Their monopoly on power and privilege has been pierced. They are not happy. Their stories of loss are voiced in a discourse of property rights. While it is the case that they have been dethroned, re-gendered, and re-raced in the past two decades, they feel only mugged. Not by the global treachery of late capitalism, the flight of manufacturing jobs from the United States, or the erosion of strong labor unions, all of which are the real cause of their present circumstances. Instead, they feel erased by white women, men of color, gays and lesbians.⁵⁷

In their 1997 article, *Mainstreaming the Militia*, Mike Tharp and William Holstein point to "[m]ilitary downsizing, the decline of the family farm, . . . the general loss

53. See generally JANICE A. RADWAY, *READING THE ROMANCE: WOMEN, PATRIARCHY, AND POPULAR LITERATURE* (1984).

54. See generally *id.*

55. See generally Michelle Fine et al., *White Loss*, in *BEYOND BLACK AND WHITE*, 283-300 (Maxine Sella et al. eds., 1997).

56. See generally *id.*

57. *Id.* at 283.

of blue-collar jobs[,]" and the unemployment they have created as explanations for the rising interest in protest groups.⁵⁸ They enumerate just a few of the examples of men who have joined militias:

Terry Nichols, indicted for helping to plan the Oklahoma City bombing, started his patriot career by becoming involved in groups that helped farmers hold onto their land by fighting the government and banks. Arthur Hawkins, a 40-year old father of six, joined a series of antigovernment groups after he lost his job as a corrections officer in Kansas. Bob Fletcher became a spokesman for the Militia of Montana . . . after his Georgia-based toy company went bankrupt.⁵⁹

Further, a survey shows that "71 percent of men without a college education agreed that the U.S. government interferes too much in people's lives."⁶⁰

Working class white men have become what cultural critic Evan Watkins calls "throwaways"—

relics. . . isolated groups of the population who haven't moved with the times, and who now litter the social landscape and require the moral attention of cleanup crews, the containing apparatus of police and prisons, the financial drain of "safety nets," the immense maintenance bureaucracies of the state.⁶¹

Working-class white men have lost what sociologist Patricia Hill Collins calls their "inheritance"—the industrial jobs and labor affiliations that belonged to their fathers and male relatives before them and which, until recently, have often been handed down from one male family member to another.⁶² With de-industrialization and the shift to a service economy, the jobs that have traditionally defined working-class white men are disappearing and with them their "inheritance" of a stable and predicted set of social roles. When those predictable expectations are overturned, working-class white men not only look to specific groups to blame—women, men of color, gays and lesbians—but to the legal structure that had seemed to go hand in hand with that predictability, with what historian George Lipsitz has called an "investment in whiteness."⁶³ It is not too far a stretch to suggest that, as traditional

58. Mike Tharp & William J. Holstein, *Mainstreaming the Militia*, U.S. NEWS & WORLD REP., Apr. 21, 1997, at 10.

59. *Id.*

60. *Id.*

61. EVAN WATKINS, *THROWAWAYS: WORK CULTURE AND CONSUMER EDUCATION* 3 (1993). It is not, of course, accidental that the factor of time would become a mechanism for distinguishing between classes. As Pierre Bourdieu points out, the "mark of time" is itself one of the fundamental factors in the functioning of the dominant classes as it is played out in terms of generational differences in jobs, access to employment, and so on. PIERRE BOURDIEU, *DISTINCTION: A SOCIAL CRITIQUE OF THE JUDGMENT OF TASTE* 295-96 (Richard Nice trans., Routledge, 1984).

62. D. Stanley Eitzen & Maxine Baca Zinn, *Structural Transformation and Systems of Inequality*, in *RACE, CLASS, AND GENDER: AN ANTHOLOGY* 178-82 (Margaret L. Anderson & Patricia Hill Collins eds., 1992).

63. See George Lipsitz, *The Possessive Investment in Whiteness: Racialized Social*

forms of masculine expectation have disappeared, it seems to many men that they have been betrayed by the law itself, that system which seems to insure the predictability of social behaviors and to diminish the probabilities of erratic and unproductive behaviors. As working-class white men have become increasingly obsolescent—"haven't moved with the time"—there has become an increasing disjunction between the "time" of working-class white men and the "time" of the law. While at one point the two may have seemed to be operating in—even reinforcing—the same time frame, this temporal disjunction and the upheaval it marks suggest that a violent abjection of contemporary law by white working-class men is not an illogical or unpredictable outcome. And because they do not control the mechanisms for the production of new legal frameworks, working-class white men turn to the laws of the past, the laws of another time in which the temporality of law and the temporality of masculinity and whiteness seemed to be more in sync.

Geographer Neil Smith argues that the turn-of-the-century shift in capitalism and the worldview upon which it depended hinged first upon a change in the ways in which people imagine space and maps.⁶⁴ So to, I would argue, are we in the midst of a spatial reimagining as we enter into the era of global capitalism. Part of that reimagining, I propose, is a reconfiguration of how space is defined, particularly how U.S. space is defined. Because the United States is a nation founded upon the very notion of rural spaces—as Thomas Jefferson stated, "our cities . . . exhibit specimens of London only; our country is a different nation"⁶⁵—any redefinition of U.S. identity and its role in a global infrastructure must, I suggest, depend upon the very redefinition of rural spaces themselves. It is not, I believe, a coincidence that Patriot movements and their strong grounding in rural locations have been foregrounded at precisely the time when U.S. capital and national identity are being restructured. In such a framework, it is inadequate to look at the Patriot movement and its narratives outside of the context of de-industrialization, respatialization, and demasculinization. As we move into a techno-global era, it may be argued that it will be precisely the privileging of space over place that will define a new philosophy, especially as those communities and individuals still linked to time—especially time defined as place—are increasingly characterized as members of an outmoded and obsolescent economic and national system. The radical de-historicization of American popular culture—the culture that is exported around the world—is only one instance of an increasing movement toward space as cultural foundation. The current broad redefinitions of the space that defined "America"—the spaces of the pastoral, the agrarian, the rural—are indicative of the terms in which these shifts are taking place and the high stakes behind them.

In such a context, reading Patriot narratives as emblems of extremist groups "outside the law" fails to comprehend the important ways in which these groups and their narratives are indicators of the social costs of globalization.

Democracy and the "White" Problem in American Studies, 47 AM. Q. 369, 371 (1995).

64. See generally NEAL SMITH, *UNEVEN DEVELOPMENT: NATURE, CAPITAL AND THE PRODUCTION OF SPACE* (2d ed. 1990).

65. THOMAS JEFFERSON, LETTER TO ANDRE DE DASCHKOFF (1809), at <http://www.citlink.net/citlink/t/tomlane/cities.html> (last visited Nov. 3, 2001) (on file with the *Indiana Law Journal*).

