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Now that the Brady bill has become the law of the land, does that mean it has to be obeyed? Certainly, federally licensed firearms dealers do because they operate under federal government authority. But what about sheriffs and police chiefs?

Many sheriffs in several states have refused to do the background check mandated by the Brady law. One such sheriff is Ray Nixon of Lincoln County, Montana. He addressed a meeting of the unorganized militia in February, 1994 at a crowded meeting in Eureka.

The concern of the militia was to lawfully reinforce the Sheriff in case the federal government might contemplate another Waco or Weaver type massacre in Lincoln County. Citing the Militia Act in Title 10 of U.S. Code and the Montana Posse Law, the members of the unorganized militia offered themselves to be deputized by the Sheriff. Military service and NRA firearms certification was considered an adequate qualification for membership in the Sheriff's posse.

The Lincoln County unorganized militia that evening began the process of forming a lawful force to resist any tyrannical act on the part of the federal government. This was not a bunch of vigilantes or a mob that night. This was the militia of the Second Amendment and of the posse law of Montana.

The Lincoln County militia had reached the point that the colonial militias had in 1774 when they began to form and to drill. In 1774, as in 1994, there was still hope of reconciliation with the growing tyranny of the central government. But after years of encroachments on their liberties, the colonists of 1774 and the militiamen of 1994 decided to be prepared.

Meaning of Well-Regulated Militia

This helps us understand the now greatly misunderstood words of the Second Amendment

which read: "A well-regulated militia being necessary for the defense of a free state, the right of the people to keep and bear arms shall not be infringed." Opponents of the individual right to keep and bear arms have greatly misunderstood the initial clause of the Second Amendment.

For many in our time, it is inconceivable to think of anything being well-regulated without a law mandating the regulation and a bureaucracy to conduct the regulation. In the 18th Century, the word regulation did not at all require government involvement. The actions of the American colonists make it plain that a well-regulated militia was well-rehearsed and well-drilled without the control of the government. Indeed, the colonial well-regulated militias shot at the King's policemen (the King's soldiers were acting in the capacity we now consider a police function, but there were no police departments then).

When the Reverend Josiah Clark met the British forces at Lexington on April 19, 1775, he was serving as the elected commander of his well-regulated militia. He had well-regulated his men many a Sunday afternoon following church services. The British had made the importation of powder (semi-auto rifles?) illegal and General Gage had sent his men to confiscate colonial stockpiles, along with other war materiel such as muskets and food stores.

It is interesting to note that then as today, the city people were disarmed first. General Gage had earlier registered firearms in Boston and then shortly thereafter he confiscated what he had just registered. He did it in the name of crime control. Throughout history the names of tyrants change, but not their methods.

Effectiveness of the Militia

The militias of the communities outside of Boston had been alerted by messengers from Boston the night of April 18. Paul Revere was one of these messengers, although he was captured before he got very far. The British were defeated rather soundly by the militia at Lexington and the other companies that came from surrounding areas answering the call.

Today's Paul Reveres use electronic bulletin boards and computers, and appropriately enough, one of the leading such networks is the Paul Revere Bulletin Board. Paul Revere now rides on electrons, not horses.

The day following the battle of Lexington, Lord Dunmore of Virginia ordered the looting of the

colonial powder magazine in Williamsburg. He should not have been surprised at Patrick Henry's response, since the Patriot Orator had only a month before delivered his stirring call to arms at St. John's Church in Richmond before the Second Virginia Convention.

Some cautioned against using force in response to Lord Dunmore's theft, and the matter seemed to pass without colonial response. But by the end of April, news of the British attack in Lexington reached Virginia. By May 2, 1775, Patrick Henry was on the move. Stirring the Hanover Volunteers to action with a fiery speech, they elected Henry their captain, and rode off to Williamsburg. So popular was Henry's action that by the time the Hanover volunteers got to Williamsburg, their ranks had swollen to 5,000 from the cheering crowds that lined their way. The powder was compensated twice over, and shortly afterwards, Governor Dunmore, fearing for his safety, ended up on board a ship in the York River.

Well-regulated these militia were, but controlled or sanctioned by the established government they were not. The actions of the colonists indicated that they viewed militia as something that free men had an unalienable right to organize among themselves.

Revolution or War?

Were the formation of colonial militias the actions of revolutionaries? Revolutionaries are not concerned about the legitimacy of government. They appoint themselves and strike out using force. The American colonists had remonstrated for a decade before the War for Independence, asking the English king to stop the violations of the colonial charters which the kings of England had agreed to submit themselves. The colonists had complained through their own elected governments. When hostilities broke out, it was a war between a government supported by the people and a foreign government that had become illegitimate.

We should consider some of the complaints the colonists enumerated in their Declaration of Independence. It sounds so very contemporary. For example, "He [King George] has refused his Assent to Laws, the most wholesome and necessary for the public good." Does that not apply to the refusal of many urban jurisdictions to make it easier for people to legally arm and protect themselves from the criminal element? In addition, our government virtually refuses to execute murderers and often sets them free to kill again.

Another complaint was that "He has called together legislative bodies at places unusual, uncomfortable, and distant..." Have you ever been to a hearing to consider legislation regulating or banning guns held during the week when the gun owners are at work? The Senate provided

another example with the midnight deals cooked up by Senators Dole and Mitchell, followed by passage of the Brady bill with only three Senators present and voting.

This complaint rings true still: "He has obstructed the Administration of Justice, by refusing his assent to Laws for establishing Judiciary Powers." Juries are prohibited from hearing whatever case a defendant wishes to make. Also, the jury's power to refuse to convict someone who has broken a law if that would be an injustice has been hidden from jurors. This has made a mockery of justice.

And finally, this one could be found in almost any daily paper: "He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance."

Government, not the People, to Be Held Suspect

The words of the founding fathers reflected the actions they took during the War for Independence. Their view of government was one of deep suspicion. The task they set for themselves in establishing a government once they had thrown off the British tyranny was to limit and restrain their own creation.

A couple of Jefferson quotes are illustrative: "When governments fear the people there is liberty. When the people fear the government there is tyranny." And, "The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government."

Patrick Henry warned during the Virginia Ratifying Convention debates over adoption of the present Constitution: "Guard with jealous attention the public liberty. Suspect every one who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are inevitably ruined." What exactly was Henry warning of? He foresaw that the new government would dangerously centralize power unto itself. In Henry's words, it would "oppress and ruin the people."

Even a defender of the new Constitution, James Madison (author of the Second Amendment) shared in Federalist Papers number 46 the same suspicion of government: "Besides, the advantage of being armed forms a barrier against the enterprises of ambition, more

insurmountable than any which a simple government of any form can admit of. The governments of Europe are afraid to trust the people with arms. If they did, the people would certainly shake off the yoke of tyranny, as America did."

An ally of James Madison and George Washington, George Mason articulated his suspicion of government this way: "To disarm the people is the best and most effectual way to enslave them." Mason defined the militia as "the whole people, except for a few public officials." Noah Webster, a patriot and scholar, defined the militia similarly as "the effective part of the people at large."

Webster wrote that: "Before a standing army can rule, the people must be disarmed as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States."

Militia Act of 1792

The first Congress of the United States under the new Constitution adopted the Bill of Rights. Five months later that same Congress enacted the Militia Act of 1792. That Act has two important lessons for understanding the meaning of the militia. First, the law required everyone covered by the act to have a military rifle and the ammunition for it. Second, military firearms were to be in peoples' homes, not in armories as in the case of the National Guard which did not exist at that time.

The Militia Act of 1792 helped put feet to the suspicions the founders had of government. The militia was seen as a practical way of containing the dangerous potential of government.

Anti-gunners often ask regarding an AR 15 or an AK-47, "Why would anyone want a gun like that? You cannot hunt with it." Even if that were true, the answer constitutionally is, "So what?" Truly, the Second Amendment is not about hunting or target shooting as a recreation. Arguably, those pastimes are protected by the Ninth Amendment which says that "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

AR-15's and other semi-automatic rifles should be in the hands of as many Americans as want

them precisely because they make anti-gunners in general and many politicians in particular nervous. That was the express purpose the founders had in mind for the Second Amendment.

Government Needs to Fear the People Again

When a government no longer fears the people, atrocities become possible such as the murder of members of Randy Weaver's family by U.S. Marshals and FBI agents. Emboldened by the lack of resistance when murdering women and children in Idaho, the Feds moved to Waco, Texas and slaughtered nearly 100 people, including four of their own agents.

Following on the heels of these acts, the government now has the audacity to insist that the militia be disarmed by the illegalization of semi-automatic rifles and shotguns. Why should they not be so bold? After all, where was the outcry when they first restricted, then outlawed new machine guns? The politicians of this century have been able to accomplish a more effective disarmament of the American militia than George III and his minions such as General Gage, Governor Dunmore and others.

The events in Lincoln County, Montana and many other similar activations of the militia in counties across America is one of the most hopeful signs for the preservation of liberty in our time. One can only speculate had there been an effective militia in Naples, Idaho which could have been mobilized after the U.S. Marshal murdered Sammy Weaver by shooting him in the back. It is entirely possible that Vicki Weaver would not have been murdered later on by an FBI trained assassin while she was holding a baby in her hands.

Had the Feds feared a militia as active as the one in Lexington on April 19, 1775, it is entirely possible that the massacre of Branch Davidians in Waco, Texas on April 19, 1993 would never have occurred.

Long live the militia! Long live freedom! Long live a government that fears the people!