



## "To Preserve the Nation"

A weekly e-mail message from the Constitution Party of Utah to those who love liberty and wish to preserve it.

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**Please forward this e-mail to all who you feel would benefit from the message**

*Prior to the American Revolutionary War, concerned patriots throughout the American Colonies organized "Committees of Correspondence" to assure that vital information about their liberty, and the political state of affairs was widely distributed, so all who cared could stay informed.*

*This series of weekly e-mail messages is intended to perform a similar modern-day function. Each week, a brief message regarding a current modern issue of liberty will be sent. The intention of these communications is to foster an understanding of how modern challenges that face the United States may be addressed using the wisdom and "original intent" of those who founded this nation. The words of this nation's founders in regards to the current challenges will be the core message of each e-mail. Hopefully, this effort will foster a return to the foundation principles upon which this nation was established so it may again enjoy the fullness of liberty and proper government that was created under the inspiration of God.*

**Week Sixteen Message – October 25<sup>th</sup>, 2006**

### **The Right to Keep and Bear Arms**

The United States Constitution Second Amendment states:

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

Without exception, those we refer to as the "Founding Fathers" of this Nation studied Blackstone's *Commentaries* prior to the Revolutionary War. Therein Blackstone notes the right of self defense as one of mankind's unalienable rights:

"[Self-defense is] justly called the primary law of nature, so it is not, neither can it be in fact, taken away by the laws of society." (Sir William Blackstone, *Commentaries on the Laws of England*, [1765-1769])

In keeping with that wisdom, the Second Amendment was included in this Nation's Bill of Rights to assure the future protection of that God-given right.

Notwithstanding the pronouncements of Presidents, Congressmen, Senators, Governors, and the media, the Second Amendment has absolutely nothing to do with hunting, target shooting, plinking (that is, shooting at cans, etc.), collecting guns, or a "life style". While these are often enjoyable and pleasant pastimes for those who participate in them, they are a minor side-benefit to this great God-given inalienable right. The truth of the matter is that the Second Amendment has everything to do with the preservation and protection of life, liberty, and property. It is the last line of defense for the individual, the family and the Nation.

As a result of the efforts of many to "demonize" firearms, and to promote a false conception regarding the original purpose of the Second Amendment, there is an unprecedented effort underway today in our Nation to disarm the people of this Nation. In fact, to find anything anywhere near as premeditated and so determined on a nation-wide basis, we must go back to before this nation became a nation—we have to go back to 1775 when the King tried to disarm the "upstart" colonists. Most Americans do not realize that the issue of disarming the citizens was the issue that precipitated the ride of Paul Revere, and caused brave men to die at Lexington and Concord. On that fateful April day, the King's officers had dispatched his troops to confiscate the powder and lead (the ammunition) of the colonists. This British attempt to deny the colonists' right to keep and bear arms became a major driving force which rallied Americans throughout the colonies to armed resistance. This fundamental right—the importance of preserving the ability of every American to defend his liberties—became one of the principal arguments of our Founding Fathers for independence.

Because of their personal experience with tyranny, and their understanding of the necessity of arms to prevent or overthrow tyranny, the Founding Fathers of this Nation had a clear, correct and unmistakable view of the subject. When we understand the position of the Founding Father on the individual right to keep and bear arms, we may better understand the reasons this God-given right was included in the Bill of Rights, and why it is imperative that we preserve it today. Due to space considerations, a few statements of the Founders will have to suffice.

To facilitate the ratification of the Constitution, James Madison wrote:

"[The Constitution preserves] the advantage of being armed which Americans possess over the people of almost every other nation...(where) the governments are afraid to trust the people with arms." (James Madison, *The Federalist Papers*, No. 46)

And later, while in Congress, Madison supported the concept of an armed citizenry being necessary to preserve the freedom of the Nation:

"The right of the people to keep and bear ... arms shall not be infringed. A well regulated militia, composed of the body of the people, trained to arms, is the best and most natural defense of a free country ..." (James Madison, *I Annals of Congress* 434, June 8, 1789)

The intent that firearms be available universally was a common subject for comment during the American founding era:

"Whereas, to preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them..." (Richard Henry Lee, *The Pennsylvania Gazette*, Feb. 20, 1788.), and

"The great object is, that every man be armed ... Every one who is able may have a gun." (Patrick Henry, Elliot, p.3:386)

As the new Nation was being formed, Thomas Jefferson wrote in support of an armed citizenry:

"No free men shall ever be debarred the use of arms." (Thomas Jefferson, *Proposed Virginia Constitution*, Ford, Vol. 2, pg 27 [1776])

And Samuel Adams, the "Father of the American Revolution" felt it natural for free men to be armed, saying:

"The Constitution shall never be construed...to prevent the people of the United States who are peaceable citizens from keeping their own arms." (Samuel Adams, *Debates and Proceedings in the Convention of the Commonwealth of Massachusetts*, at 86-87 (Pierce & Hale, eds., Boston, 1850))

Noah Webster saw an armed citizenry as essential to preserving liberty, asserting:

"Before a standing army or a tyrannical government 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 (or professional) troops that can be, on any pretense, raised in the United States." (Noah Webster, "An Examination of the Leading Principles of the Federal Constitution." [1787], Paul Leicester Ford, ed. *Pamphlets on the Constitution of the United States* [Chicago, IL: 1888])

Many have observed that the Second Amendment was written to assure that the other nine amendments and the Constitution were preserved in their entirety.

And it is of note that the currently vogue falsehood that the "militia" mentioned in the Second Amendment referred to the national guard (which was not even created until the 20th Century) may be debunked with many statements by this Nation's founders. One statement that George Mason made in the debate at the ratification convention before the Virginia Assembly must suffice:

"I ask, sir, what is the militia? It is the whole people, except for a few public officials." (George Mason, in *Debates in Virginia Convention on Ratification of the Constitution*, Elliot, Vol. 3, June 16, 1788)

## Arms Required for Freedom

Power to refuse, or to counter abuse of power sometimes becomes necessary. In his review of the United States Constitution and the Bill of Rights, St. George Tucker, one of the preeminent constitutional scholars of America's founding era, touches upon the necessity of the people being armed to insure the ability to ultimately enforce their rights if they are ever violated; and of governments which use the flimsiest or most obtuse rational as excuse for the disarming of the citizenry of the nation. Modern America suffers from this malady as a gullible, disinterested, and apathetic populous which falls for almost every contrived method to remove what Tucker terms the "true palladium [that which affords effectual defense, protection and safety] of liberty."

"This may be considered as the true palladium of liberty. . .The right of self defense is the first law of nature; in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any color or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction. In England, the people have been disarmed, generally, under the specious pretext of preserving the game; a never failing lure to bring over the landed aristocracy to support any measure, under the mask, though calculated for very different purposes. True it is, their bill of rights seems at first view to counteract this policy; but the right of bearing arms is confined to Protestants, and the words suitable to their condition and degree, have been interpreted to authorize the prohibition of keeping a gun or other engine for the destruction of game, to any farmer, or inferior tradesman, or other person not qualified to kill game. So that not one man in five hundred can keep a gun in his house without being subject to a penalty." (St. George Tucker, *View of the Constitution of the United States with Selected Writings* [1803], ed. Clyde N. Wilson [Indianapolis: Liberty Fund, 1999])

The Second Amendment to the United States Constitution unequivocally protects the individual God-given right of all mankind to keep and bear arms to protect their lives, liberty, and property from tyrants and criminals, both foreign and domestic. It is a right that must not be infringed.

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