

The Constitution asserts three purposes for the state militias: enforce the laws of union, suppress insurrections, repel invasions. That is *SUPPRESS* insurrections not *MAKE* them. The state militias were clearly an instrument of government. Among their purposes was to maintain public order. They were subject to federal call up under limited circumstances for the same purpose.

Instead, as part of its extreme individualist doctrine, the gun lobby maintains a enormous confusion between a civil right secured by government and a natural right in the State of Nature before there is law and government. The people do have a right to take up arms to abolish oppressive government. It is a natural right, a moral right, but it is a right in the State of Nature outside of law and government. It is not a civil right that can possibly be secured by government. The Constitution is not perverted. It does not define treason as the making of war against the United States and then secure a civil right to commit the same. Treason only becomes patriotism when the treason is successful. The conscript state militias would be called out to *SUPPRESS* the treasonous insurrection of gun lobby fantasies.

The Founders understood from John Locke that there is a difference between Civil Society and the State of Nature (.../2ndtreat.html#94). The oath of public office marks the difference. If at first we don't succeed, read the instructions. Whatever rights are secured in a constitution have to be consistent with what a constitution is. A constitution is a frame of government with "just powers" that derive from the "consent of the governed". It is not a treaty among sovereign individuals who give no more than word of honor and promise of good faith. The Declaration of Independence is a prime example. It declared a natural right not a civil right under the British Constitution. (Despite the preposterous meaning some people, including federal judges, read into the 1689 English Bill of Rights, the American Revolutionaries made revolution without the benefit of Second Amendment rights. Our candy-ass revolutionary fantasies today need a right secure by the same oppressive government they will take up arms against.) The King cried treason. The signers of the Declaration of Independence knew that if they failed in their revolutionary project they would all be hanged.

We are not hanged for exercising constitutional rights.

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ment of our Founding Fathers for independence. Following the "shot heard round the world" at Lexington, Thomas Jefferson penned these words in the Virginia Constitution of 1776: "... No free man shall be debarred the use of arms within his own land."<sup>9</sup>

Nowhere are Jefferson's thoughts about the rights and powers of the citizenry more explicit than in the Declaration of Independence, which he had such a hand in writing: "Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it."

Certainly Jefferson, and his co-authors of the Declaration, preferred peaceful changes in government. But those four words—"the Right of the People"—state in plain language that the people have the right, must have the right, to take whatever measures necessary, including force, to abolish oppressive government.

Jefferson was not alone in sounding the call to arms. Henry, Adams, Washington all called upon the colonists to arm themselves. And the call was issued to *all* Americans, not only landowners and freemen. Thomas Paine, renowned for his treatise, *Common Sense*, urged religious pacifists to take up arms in his pamphlet *Thoughts on Defensive War*:

... The balance of power is the scale of peace. The same balance would be preserved were all the world not destitute of arms, for all would be alike; but since some will not, others dare not lay them aside ... Horrid mischief would ensue were one half the world deprived of the use of them ... the weak will become a prey to the strong.<sup>10</sup>

In the case of the American Revolution, however, it was the strong that became the prey of the weak. Indeed, seasoned British troops were beleaguered by the armed and resolute citizens of the colonies.

Our Founding Fathers wasted no time in attributing this