

Appendix I

Ernest McGill, *amicus curiae*

Parker et al. v. DC Government

US Court of Appeals, DC Circuit, Case no. 04-7041

Thomas Jefferson, *Notes on the State of Virginia*, Published for Institute of Early American History and Culture at Williamsburg, VA, University of North Carolina Press, 1955, p. 88 (table omitted).

The militia men were compelled by law to provide their own arms. Jefferson expressed no objections to the requisitioning—that is, *confiscating*, in personal right consciousness—of their arms, once provided by themselves, to equip the regular army.

QUERY IX. Military Force

¶ *The number and condition of the Militia and Regular Troops,
and their Pay?*

THE following is a state of the militia, taken from returns of 1780 and 1781, except in those counties marked with an asterisk, the returns from which are somewhat older.

Every able-bodied freeman, between the ages of 16 and 50, is enrolled in the militia. Those of every county are formed into companies, and these again into one or more battalions, according to the numbers in the county. They are commanded by colonels, and other subordinate officers, as in the regular service. In every county is a county-lieutenant, who commands the whole militia of his county, but ranks only as a colonel in the field. We have no general officers always existing. These are appointed occasionally, when an invasion or insurrection happens, and their commission determines with the occasion. The governor is head of the military, as well as civil power. The law requires every militia-man to provide himself with the arms usual in the regular service. But this injunction was always indifferently complied with, and the arms they had have been so frequently called for to arm the regulars, that in the lower parts of the country they are entirely disarmed. In the middle country a fourth or fifth part of them may have such firelocks as they had provided to destroy the noxious animals which infest their farms; and on the western side of the Blue ridge they are generally armed with rifles. The pay of our militia, as well as of our regulars, is that of the Continental regulars. The condition of our regulars, of whom we have none but Continentals, and part of a battalion of state troops, is so constantly on the change, that a state of it at this day would not be its state a month hence. It is much the same with the condition of the other Continental troops, which is well enough known.¹