

IN THE
Supreme Court of the United States

OCTOBER TERM, 1989

No. 89-542

What the gun rights militants want is what the NRA argued to the Supreme Court in *Perpich* (1990): the right to maintain the militia as the "armed populace at large", a collection of sovereign individuals who made a treaty not a government. The NRA was on the right side of the ruling with regard to the national guard. With regard to the militia, it was a nice try but the Supreme Court ignored the point. The Supreme Court reprehensibly failed the opportunity to repudiate the anarchic doctrine explicitly and for all time.

The right sought is a right that denies the very legitimacy of a governing authority. It can never be had under any viable concept of constitutional government.

The arguments here were in an amicus brief not a challenge to an enacted law. The NRA has never made its arguments in challenge to an enacted law.

The immediate questions arise:

Are they citizens bound by law?

Do they consent to be governed?

Do they give "just powers" to government?

Are they registered by militia service if called up?

It should be very troubling when even federal judges have taken up this preposterous, anarchic doctrine, <http://www.potowmack.org/silvlock.pdf>
<http://www.potowmack.org/silvdiss.pdf>, p. 5996

The 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 consent to be governed has serious implications for private gun ownership as the Militia Act of 1792 makes clear.

If we have problems now, it is because we have lost our way.

PROVISION FOR leave to file amicus curiae brief and are adopted herein.

PERPICH, GOVERNOR OF THE
STATE OF MINNESOTA, et al.,
Appellants,
v.
DEPARTMENT OF DEFENSE, et al.,
Appellees.

The United States Court of Appeals
for the Eighth Circuit

OF AMICUS CURIAE
RIGHTS LEGAL DEFENSE FUND
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OF AMICUS CURIAE

amicus curiae are set forth in its
brief and are

SUMMARY OF ARGUMENT

The term "militia" was understood by the framers to mean the armed populace at large. In contradistinction, the framers considered a select militia, like the present National Guard, to be part of the standing army. Since the National Guard is a component of the standing army, and is not the broad based militia as the framers in-