

## ON GUNS AND FREEDOM

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In a farewell salvo following his forcible retirement (Durango Herald 1-1-13), State Representative J. Paul Brown of Ignacio, my hometown, offered to continue the good fight on our collective behalf. Having abused his elected opponent one last time, he then exhorted us: "...We must also continue to fight for the right to own guns to protect ourselves from **the tyranny of government**, or from **invasion by another country...**" (emphases added). No hunting. No defense of hearth and home.

J. Paul is of course not alone in his zeal to defend our sacred constitutional rights. In a recent appearance on Fox News Sunday, Rep. Louie Gohmert (R-Texas) offered the following historiography concerning our right to possess weapons like M-4 or AR-5: "...Well, for the same reason George Washington said: a free people is an armed people. It insures against **tyranny of the government**. If they know the biggest army is the American people, then you don't have the tyranny that came from **King George...**" (emphases added).

By my own reckoning, the last time we took arms against a foreign invader was 1812. The last time a portion of our population took arms against our own government was 1861. Yet for the insurrectionist fringe of J. Paul Brown and Rep. Gohmert, the crux of the Second Amendment rests in an apocalyptic vision of overthrowing the freely elected government of the Republic by force of arms. Just in case these seditious designs are not transparent enough, the NRA's kid brother, the Gun Owners of America, have been muttering darkly about "Resorting to Second Amendment Remedies" against the depredations of the Affordable Care Act; while a latter-day apocalyptic doomsday cult is building a medieval Citadel for armed resistance in the Idaho Panhandle.

The Second Amendment to our Constitution, as it turns out, has a clear history that belies latter-day revisionism. Its very language offers the first hint: "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". Given the grammar of **adverbial clauses** in 18<sup>th</sup> Century English, the only possible interpretation of the first clause of the Second Amendment is: "**Because** a well regulated militia is necessary to the security of a free state...". As any grammarian will tell you, "because" clauses, in English as in any other language, are **presupposed**, i.e. taken for granted; they supply the justification for the **asserted** main clause that follows. The current interpretation by our 'Originalist' Supreme Court notwithstanding, the Second Amendment is thus about **communally-regulated armed militias**.

But why militias? An immense amount of past research on this issue was summarized in an article by Carl T. Bogus (*UC Davis Law Review*, vol. 31, 1998). In the 18<sup>th</sup> Century, state militias were primarily the preoccupation of the South, where they were raised to suppress recurrent **slave rebellions**. In his objections to the section of the Constitution that vested war powers in Congress (except in case of foreign invasion), Patrick Henry, during the deliberations of the Virginia Convention in Richmond in June 1788, spelled out this fear rather explicitly: "...Not domestic insurrection, but war. If the country may be invaded, a state may go to war, but cannot suppress insurrections. If there should happen an **insurrection of slaves**, the country cannot be said to be invaded..." (emphases added).

In the context of mounting Southern fears that the North harbored abolitionist intents, and that Washington's standing army would supplant state-sanctioned slave-patrol militias, the Virginia Convention promulgated the first version of what eventually became the Second Amendment: "...That the people have a right to keep and bear arms; that a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural and safe defence of a free state..."

Latter-day revisionist historiography about militias defending us against foreign invaders, or against the coercive power of a democratically elected Federal government, is largely a post-Civil-War Southern concoction. Or as Carl Bogus notes: "...The militia was first and last protection from **the omnipresent threat of slave insurrection and vengeance...**" (emphases added).

At the outset of the War of Independence, the hastily-gathered militias indeed played an important role. But by the end of 1776, American field commanders and politicians alike conceded the ineffectuality of the ill-trained, undisciplined, desertion-plagued militias. As historian Charles Royster observes: "...One year's experience convinced most American officials that they needed a standing army to fight the war...". In a letter to Congress at the waning weeks of 1776, George Washington lamented: "...The militias...are dismayed, intractable and impatient to return home. Great numbers have gone off, in some instances by whole regiments..."

It is this sobering experience with the militias that prompted Alexander Hamilton to write: "...The project of disciplining all militias is as futile as it would be injurious if it were capable of being carried into execution...The attention of the government ought particularly to be directed to the formation of a select corps of moderate size, upon such principles as will really fit it for service in case of need..." (Federalist Papers, no. 29).

A friend of mine--salt of the earth, a good ol' boy from down South who served his country in Nam--told me before the last election: "Tom, we are well armed. If Obama is re-elected, there will be blood in the streets". Hard as I rack my poor ol' brain, what I think my friend meant, and what J. Paul and his insurrectionist cohorts mean, is this: "If *our* candidate wins, peace and quiet will prevail; out of the goodness of our heart, we might let you losers parade peacefully in the street and write bitter editorials. But if *your* candidate wins, there'll be blood". It is not exactly an accident that my friend and his Freedom Works cohorts keep telling us that "Democracy Sucks". In a way, it does, being a rather messy two-way street.

The absurdist hue of the Colorado gun debates is hard to miss. In a recent report (Durango Herald, 2-14-13), Joe Hanel quoted the new Speaker of the Colorado House, Mark Ferrandino: "...Since I started here, I think I have always known that members had guns on the floor...". Who exactly was J. Paul Brown going to defend himself against on the State House floor? Our coercive elected government? Foreign invaders?

In another report by Joe Hanel (Durango Herald 2-13-13), the absurdity is further amplified by the shameful saga of concealed guns on the CU-Boulder campus. Where exactly, pray, will CU students and faculty use their guns? In bickering about the Dead Sea Scrolls being sent to us by aliens from outer space? In tenure-denial vendettas? To resolve failed love affairs? Avenge a C-grade? Reinstate a rejected dissertations? Hasn't anyone up in Denver heard of Chris Dornier and his vengeful California saga?

I had better own up--I don't have the magic bullet, pun intended. So I pass the following to you without comment. The very same day of the Newtown massacre (Dec. 14th), the NY Times reported an eerily similar incident in China. A deranged man attacked a school, injuring twenty-one children. Not a single one died. How come? He attacked them **with a knife**.

At the bottom of our communal predicament is neither the type of guns we may license, nor the ammo clips, nor universal background checks. What this raging cacophony is all about is the kind of society we are and would like to be. Ruled by the courts of--impartial, fair, just--law, or down the barrel of a gun? Governed by replaceable elected representatives or by anonymous lobbies of the rich and powerful and entitled? Ballots or bullets? As a veteran and life-long gun owner, I have learned to my sorrow, occasionally from close quarters, what guns can do to people. I remember all too well the Old Testament's atavistic injunction: "He who comes to kill you, kill them first". But I am also mindful of Christ's haunting query: "What profits a man if he gains the whole world and loses his soul?"

#### **Post Script:**

After circulating an early version of this article to an e-list of 100-odd people, I received an avalanche of responses, most of them supportive but some bitterly chagrined. In an obvious way, these responses reflect the extreme polarization of the country at large. What strikes me most about this unholy mess we have gotten ourselves into is how edgy and passionate everybody seems to be; so much so that W.B. Yeats' "The Second Coming" fairly leap to mind, most emphatically these two lines that ring as scary and prophetic now as they must have in 1921:

"...The best lack all conviction, while the worst  
are full of passionate intensity..."

Whichever side of the issue one falls on, it would behoove us all to lower the decibel level, and to remember that, just maybe still, we are all in it together. Perhaps also, that we *are* our brothers' keepers.