DARE CALL IT TREASON

by **EDWIN VIEIRA, JR.**

Most politically literate Americans are familiar with the wry observation of the Elizabethan courtier Sir John Harington: "Treason doth never prosper: what's the reason? Why if it prosper, none dare call it treason." All too many of these same Americans, however, fail to recognize the implicit admonition in this apothegm that, if they are not content to watch "it prosper", they had better "dare call it treason", and scotch it, *right away, while there still remains sufficient time to do so*.

I. As of this writing, America is embroiled in a raging political controversy over "gun control". In their typically superficial manner, rogue public officials and their allies in the mass media who favor "gun control", as well as their opponents, are focusing their arguments, pro and con, almost exclusively on the supposed usefulness for increasing "public safety" of various restrictions on, or even prohibitions of, the private possession of certain firearms (in particular, *semi*-automatic rifles of the AR-15 type) and various accessories (in particular, magazines capable of holding more than ten cartridges)—or, in the limit, of *all* firearms and related accessories. Analyzed in even the most cursory manner, though, most of these restrictions could be predicted to enhance "public safety" in only a marginal manner if at all. For example, during the five-year period from 2007 through 2011, the FBI recorded an average of three hundred seventy-five murders *per annum* committed with rifles of all types—whereas, in comparison, during the same period an average of four hundred nine murders *per annum* were committed with shotguns, and some six thousand six hundred seven with handguns.[1] Thus, the mass hysteria now being drummed up by rogue public officials and the media in aid of suppressing private possession of *semi*-automatic rifles as supposedly extremely—yea, uniquely—dangerous firearms collapses in the face of these elementary statistics. Moreover, even if it could be predicted that a similar number of unjustifiable homicides committed with rifles of all types would occur each year in the future, and that all of these crimes would be committed by private parties, banning the private possession of *all* rifles (not just *semi*-automatic varieties) could result at best only in eliminating the small number of homicides committed *specifically with rifles, but not necessarily even that many homicides*, because no evidence exists that the intentional killings which might have been, but could not be, committed with rifles in the future would not be perpetrated with some other implements.

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[1] *See FBI Uniform Crime Reports, Crime in the United States 2011,* Expanded Homicide Data Table 8, Murder Victims by Weapons, 2007-2011.

If enacted, however, the vast majority, if not all, of the proposed restrictions on the private possession of firearms—and especially the private possession of *semi*-automatic rifles—would undoubtedly endanger the "public safety" of every common American, including many, if not most, of those who stridently tout "gun control". This is because "gun control", rightly understood, constitutes nothing less than "Treason", in the strict constitutional sense of "levying War against the[United States]".[2]

II. "Gun control" is something of a legalistic neologism, the term with its present connotations having first appeared in a statute of the General Government only in 1968.[3] The true significance of "gun control" is best comprehended by contrasting it with "the right of the people to keep and bear Arms" guaranteed by the Second Amendment, which right—along with its correlative duty—long predates the ratification of the Bill of Rights in 1791. To understand the purpose of "the right of the people to keep and bear Arms", and therefore what the term "Arms" includes, though, requires understanding what "the Militia of the several States" are and what "[a] well regulated Militia" is. And that requires studying the *pre*-constitutional Militia Acts of the Colonies and then independent States from the *mid*-1600s to the late 1700s, out of which statutory record can be derived the *constitutionally correct* definition of "the Militia of the several States",[4] the *constitutionally correct* meaning of the power "[t]o provide for organizing, arming, and disciplining, the Militia",[5] and the *constitutionally correct* substance of the phrases "[a] well regulated Militia" and "the right of the people to keep and bear Arms".[6]

Inasmuch as everyone knows that printing has been invented—both with ink on paper and with electrons in various formats—no need exists to rehash here everything that is covered, in excruciating detail, in the present author's earlier works on this subject.[7] Suffice it to say by way of summary that *pre*-constitutional American Militia laws aimed at a near-universality of armament among the able-bodied free adult male inhabitants of each Colony and State, either through those individuals' own efforts to acquire arms in the free market or with the assistance of public institutions. Only slaves, hostile Indians, citizens of proven disloyalty, and sometimes

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[2] U.S. Const. art. III, § 3, cl. 1.

[3] AN ACT To amend title 18, United States Code, to provide for better control of the interstate traffic in firearms ("Gun Control Act of 1968"), Act of 22 October 1968, Pub. L. 90-618, 82 Stat. 1213.

[4] U.S. Const. art. II, § 2, cl. 1.

[5] U.S. Const. art. I, § 8, cl. 16.

[6] U.S. Const. amend. II.

[7] *See Constitutional "Homeland Security", Volume One, The Nation In Arms: A Call for Americans To Revitalize "the Militia of the several States"* (2007), and *Constitutional "Homeland Security", Volume Two, The Sword and Sovereignty: The Constitutional Principles of "the Militia of the Several States"* (2012), both of which are available at <www.amazon.com>.

free people of color were prohibited from, or otherwise restricted with respect to, the possession of firearms. In those days, had the term been current, "gun control" would have meant, not keeping firearms and ammunition away from as many citizens as legislators might contrive to disarm, but instead seeing to it that as many common Americans as possible possessed their very own firearms, ammunition, and related equipment at all times. Furthermore, because most individuals eligible for the Militia were as a practical matter required by law to acquire their firearms, ammunition, and related accoutrements in the free market, an inherent and inextricable goal of "gun control" in that era was to promote and secure average individuals' unhindered access to a free market in arms—and not just any old arms, but instead arms suitable specifically for Militia service, which to a very large degree was *military* service, in no significant way distinguishable from that of the regular armed forces of the day. In addition, all of the members of the Militia were required to be as well trained in the use of their arms as circumstances permitted. So, to employ the modern Judiciary's mumbo jumbo, the only "reasonable regulation" with respect to arms that applied throughout society in the *pre-*constitutional era was the requirement for almost all free adult males to acquire, usually in the free market, and thereafter to maintain in their personal possession at all times firearms and ammunition suitable for possible military service. This was plainly an individual *duty* to be armed for the purpose of collective community self-defense. But at the same time it entailed an individual "right * * * to keep and bear Arms" (in the sense the Second Amendment understands that concept), because if common Americans each had an individual duty to keep and bear the arms required by the Militia laws they must each also have had a corresponding individual right to keep and bear those very arms as against anyone who might have attempted to interfere with their fulfillment of that duty. Moreover, that the Colonies and independent States never attempted to exercise a purported power to disestablish their Militia and disarm the general populace—and that no one of consequence ever seriously advocated that they should have done so—provides compelling evidence that no such power was ever believed to exist.[8] To be sure, in 1775 the British military governor of Boston, General Thomas Gage, attempted to seize American patriots' arms, and to suppress their Militia. But this venture Americans considered a *causus belli*, and successfully resisted with arms, firing "the shot heard 'round the world". The violent repulsion of this attempted exception certainly proved the rule.

Thus, when the Second Amendment mandates that "the right of the people to keep and bear Arms, shall not be infringed", it refers to "the people" who are capable of forming the "well regulated Militia" which it declares to be "necessary to the security of a free State", and to those "Arms" suitable for such Militia—which today include *all* able-bodied adult citizens eligible for the Militia, both male and

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[8] *See*, *e.g.*, Federal Power Commission v. Panhandle Eastern Pipe Line Company, 337 U.S. 498, 513 & note 20 (1949); Printz v. United States, 521 U.S. 898, 905, 907-908 (1997).

female, and whatever "Arms" could be employed to fulfill whatever functions the Militia might be called upon to perform. The constitutional power and duty of Congress "[t]o provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions"[9] points up that these "Arms" must include all "Arms" suitable to "repel Invasions"—that is, specifically *military-grade* "Arms" at least equivalent to those any "Inva[ders]" would be likely to employ, and thus at least equivalent to those Congress provides to the regular Armed Forces of the United States for the purpose of fighting foreign foes. The authority and responsibility of the Militia to "execute the Laws of the Union" points up that these "Arms" must include all such "Arms" as regular police forces and other law-enforcement agencies typically employ today. And the authority and responsibility of the Militia to "suppress Insurrections" calls for "Arms" that come within one or both of the two previous categories, depending upon the extent and severity of the "Insurrections". Moreover, the power and duty of Congress "[t]o provide for organizing, *arming*, and disciplining, the Militia"[10] explicitly emphasizes that Congress's authority is in some way, directly or indirectly, to *arm* "the people" who constitute the Militia—that is, essentially all common Americans—not to disarm them or to prevent them from arming themselves with or without the assistance of the States in which they reside. For, self-evidently, Congress's power and duty "[t]o provide for * * * arming * * * the Militia" cannot include a self-contradictory license "[t]o provide for * * * [dis]arming * * * the Militia". And, just as obviously, no other powers of Congress—such as the powers "[t]o lay and collect Taxes" and "[t]o regulate Commerce",[11] the two legalistic props usually invoked for "gun control"—can interfere with, let alone negate, the power "[t]o provide for * * * arming * * * the Militia", because: (i) all constitutional powers are "of equal dignity" in all respects, such that none may ever be "enforced as to nullify or substantially impair [any] other";[12] (ii) the Militia are State *governmental* institutions—as the Constitution describes them, "the Militia *of the several States*"[13]—not any form of "Commerce"; and (iii) the General Government cannot impose a tax on any State, any State governmental institution, or the production, acquisition, possession, or use of any equipment necessary for the proper functioning thereof.[14]

In stark contrast, the purpose and inevitable effect of "gun control" today is not to secure the existence of "well regulated Militia", or to provide "Arms" of any kind to "the people", or to train "the people" in the safe and effective use of firearms

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[9] U.S. Const. art. I, § 8, cl. 15.

[10] U.S. Const. art. I, § 8, cl. 16 (emphasis supplied).

[11] U.S. Const. art. I, § 8, cls. 1 and 3.

[12] Dick v. United States, 208 U.S. 340, 353 (1908).

[13] U.S. Const. art. II, § 2, cl. 1 (emphasis supplied).

[14] *See* Indian Motorcycle Company v. United States, 283 U.S. 570, 575, 579 (1931).

and related equipment, or to regulate the use of firearms so as to minimize negligent, reckless, or criminal behavior while still maximizing the freedom of individuals to possess and employ firearms for Militia service and all other legitimate purposes. Rather, "gun control" aims at denying as many people as possible possession of as many types of firearms as possible in as many places as possible with respect to as many uses as possible—as soon as possible. Its goal is the systematic and permanent disarmament of all common Americans. Worse yet, "gun control", lawlessness and brutality on the part of professional police forces and other "law-enforcement agencies", and the general contempt the professional political class evinces for the people's basic human and civil rights inevitably and invariably march together in jack-booted goose-step. For not only does "gun control" admit of no limitation other than the complete eradication of the private possession of firearms, but also its most advanced contemporary proponents have succeeded in coupling it with the systematic elaboration of a national *para*-military police-state apparatus constructed along the top-heavy lines of Heinrich Himmler's *Reichssicherheitshauptamt*, the apparent purpose of which is to keep defenseless Americans in political and economic thraldom through a cynically calculated policy of official *Schrecklichkeit* ("frightfulness") mediated, ironically, through "law-enforcement agencies".

To be sure, various proponents of "gun control" may differ, one from another, in their motivations. A very few of them may just be simple-minded, rather than aggressively malevolent. Yet no one with intelligence sufficient to parrot the standard propaganda in favor of "gun control" can simultaneously be so dim-witted as not to be held personally accountable—intellectually, morally, politically, and legally—for reading and understanding the historical record of modern times: namely, that aspiring usurpers and tyrants *always* disarm the people as *the indispensable* step towards oppressing them; and that once the people are rendered helpless through disarmament, and confronted by a psychopathic political class claiming unlimited "governmental" powers, they inevitably become the victims of slavery and mass murder.[15]

Moreover, unlike the wide range of "useful idiots" who provide them with political cover and cannon fodder, the practitioners of "gun control" who know exactly what they are about are nothing less than thoroughgoing *revolutionaries*. They will never be satisfied until popular sovereignty and self-government in a country in which WE THE PEOPLE can "provide for the *common* defence, promote the *general*

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[15] *See* Rudolph J. Rummel, *Death by Government: Genocide and Mass Murder in the Twentieth Century* (New Brunswick, New Jersey: Transaction Publishers, 1994). For communistic "governments" in particular, which have exceeded all others in the extent and ferocity of the domestic civil wars of enslavement and extermination they have waged against the common people of their own countries, *see, e.g.*, Stéphane Courtois, Nicholas Werth, Jean-Louis Panné, Andrzej Paczkowski, Karel Bartošek, and Jean-Louis Margolin, *The Black Book of Communism: Crimes, Terror, Repression*, Jonathan Murphy and Mark Kramer, Translators (Cambridge, Massachusetts: Harvard University Press, 1999).

Welfare, and secure the Blessings of Liberty to [*them*]*selves* and [*their*] Posterity"[16] are extirpated, root and branch. For the advocates of "gun control" are the quintessential practitioners of factionalism in America. Indeed, it would be difficult to single out a die-hard campaigner for "gun control" who is not also enlisted as an enthusiastic foot soldier in at least one other, no less pernicious, faction. These people know that a "faction" (to use the Founding Fathers' term) or a "special-interest group" (to use the modern vernacular) is "a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community".[17] They know that the greatest opponent of any one faction, let alone of factionalism altogether, is not some other faction, but instead THE PEOPLE united in institutions dedicated to advancing "the permanent and aggregate interests of the community". They know that "the permanent and aggregate interests of the community" cannot be achieved in other than what the Second Amendment describes as "a free State". They know as well that "well regulated Militia" composed of "the people" who exercise "the right * * * to keep and bear Arms" are the sole institutions which that Amendment (or any other provision of the Constitution) identifies as "*necessary* to the security of a free State", and therefore are no less "necessary" as defenders of "the permanent and aggregate interests of the community". So they realize that, to accomplish their ends, they must destroy "a free State"—and to do that, they must destroy the State's "necessary", and therefore most effective, means of providing "security"—and to do that, they must eliminate every vestige of "well regulated Militia", and even the possibility of "well regulated Militia"—and to do that, they must render it impossible for "the people" to exercise their "right * * * to keep and bear Arms" in performance of their duties of service in such Militia—and to do that, *they must ruthlessly, thoroughly, and permanently disarm "the people"*.

Unfortunately, all too many Americans with otherwise sound patriotic instincts who should vocally support revitalization of "the Militia of the several States"—on the undeniably constitutional, as well as practical, ground that "well regulated Militia" are "necessary to the security of a free State" in their own personal interests where they themselves reside, as well as to every American of good will everywhere throughout this country—have been so thoroughly confused, cowed, and demoralized by the black propaganda of "gun control" that they shrink from uttering the word "Militia" in public as part of a political proposal, lest they be vilified in the mass media as dangerous crackpots. And this, even when and where in the final

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[16] U.S. Const. preamble.

[17] *The Federalist* No. 10 (James Madison). The term "*special*-interest group" incapsulates the idea perhaps better than the term "faction", because it explicitly emphasizes that the goals of such a group are always "adverse to the rights of [some] other citizens", and are usually "adverse * * * to the permanent and aggregate interests of the community" as a whole.

analysis they can fend off "gun control" directed at so-called "military-style" firearms (such as *semi*-automatic rifles of the AR-15 and AK-47 patterns) *only* by standing upon WE THE PEOPLE'S right and duty to form and serve in "well regulated Militia" in which, by definition, "the right of the people to keep and bear Arms, shall not be infringed".

III. Elucidation of the inextricable connection between "gun control" and "Treason" requires some historical and constitutional analysis. Sir William Blackstone, the Founding Fathers' preëminent mentor on the *pre*-constitutional laws of England,[18] described in detail the

> general division of crimes [which] consists of such as more especially affect the supreme executive power, or the king and his government; which amount either to a total renunciation of that allegiance, or at the least to a criminal neglect of that duty, which is due from every subject to his sovereign. * * * [T]he nature of allegiance, [i]s the tie or *ligamen* which binds every subject to be true and faithful to his sovereign *liege* lord the king, in return for that protection which is afforded him; and truth and faith to bear of life and limb, and earthly honour; and not to know or hear of any ill intended him, without defending him therefrom. * * * Of which crimes the first and principal is that of treason.
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> TREASON * * * in it's very name * * * imports a betraying, treachery, or breach of faith. * * * [F]or treason is indeed a general appellation, made use of by the law, to denote not only offences against the king and government, but also that accumulation of guilt which arises whenever a superior reposes a confidence in a subject or inferior between whom and himself there subsists a natural, a civil, or even a spiritual relation: and the inferior so abuses that confidence, so forgets the obligations of duty, subjection, and allegiance, as to destroy the life of such superior * * * .
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> AS this is the highest civil crime, which (considered as a member of the community) any man may possibly commit, it ought therefore to be the most precisely ascertained. For if the crime of treason be indeterminate, this alone * * * is sufficient to make any government degenerate into arbitrary power.[19]

Blackstone explained that one

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[18] *See* Schick v. United States, 195 U.S. 65, 69 (1904), *and* Alden v. Maine, 527 U.S. 706, 715 (1999).

[19] *Commentaries on the Laws of England* (Philadelphia, Pennsylvania: Robert Bell, American Edition, 4 Volumes & Appendix, 1771-1773), Volume 4, at 74-75 (footnote omitted).

> species of treason is, "if a man do levy war against our lord the king in his realm." And this may be done by taking arms, not only to dethrone the king, but under pretence to reform religion, or the laws, or to remove evil counsellors, or other grievances whether real or pretended. For the law does not, neither can it, permit any private man, or set of men, to interfere forcibly in matters of such high importance; especially as it has established a sufficient power, for these purposes, in the high court of parliament: neither does the [English] constitution justify any private or particular resistance for private or particular grievances; though in cases of national oppression the nation has very justifiably risen as one man, to vindicate the original contract subsisting between the king and his people. * * *
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> "IF a man be adherent to the king's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere," he is also declared guilty of high treason. * * * By enemies are here understood the subjects of foreign powers with whom we are at open war. As to foreign pirates or robbers, who may happen to invade our coasts, without any open hostilities between their nation and our own, and without any commission from any prince or state at enmity with the crown of Great Britain, the giving them any assistance is also clearly treason; either in the light of adhering to the public enemies of the king and kingdom, or else in that of levying war against his majesty. And, most indisputably, the same acts of adherence or aid, which (when applied to foreign enemies) will constitute treason * * * will (when afforded to our own fellow-subjects in actual rebellion at home) amount to high treason under the description of levying war against the king.[20]

Noteworthy here is that, even under a monarchy, for the people to rise up "as one man" in order to protect themselves against "national oppression" cannot constitute "treason". Rather, such "national oppression" must itself amount to "treason"—that is, the levying of war by a tyrannous king against the entire people—which the people are *always* entitled to resist.

Blackstone's principle that "the highest civil crime * * * ought * * * to be the most precisely ascertained" the Constitution duly applied in its narrow definition of "Treason": namely, "Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort".[21] This definition contains an important amendment of Blackstone's teachings: namely,

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[20] *Id.*, Volume 4, at 81-83 (footnotes omitted).

[21] U.S. Const. art. III, § 3, cl. 1.

that, there being no King in America (and under the Constitution no possibility of enthroning one[22]), the victims of "Treason" are "the United States" taken *collectively*, as the phrase "in levying War against *them*, or in adhering to *their* enemies" evidences.[23]

In keeping with Blackstone's definition, as well as the common understanding at the time, "Treason" must always remain both in principle and practice a breach of allegiance to "the sovereign". "In general, [treason] is the offense of attempting to overthrow the government of the state to which the offender owes allegiance".[24] Significantly, allegiance is not owed to "the government of the state", which is no more than an instrumentality of "the state", but instead to "the state" herself. In *pre*-constitutional Great Britain the King was "the sovereign".[25] In contrast, in America under the Declaration of Independence and the Constitution, WE THE PEOPLE have rightfully asserted and retained for themselves the position of the sole sovereigns.[26] Perforce of the Declaration, "the good People of the[American] Colonies", and no one else, took upon themselves and exercised sovereignty by: "dissolv[ing] the political bands which ha[d] connected them with [Great Britain]"; "assum[ing] among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle[d] them"; and exercising their "Right * * * to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them * * * seem[ed] most likely to effect their Safety and Happiness". Then, as its Preamble recites, "WE THE PEOPLE of the United States * * * d[id] ordain and establish th[e] Constitution", by themselves and under their own authority.

Now, as a generality of political science, a "state" is a *polity*, that is, *people organized politically*. A "state" is "[a] political body, or body politic; the whole body of the people united under one government".[27] Although conceivably a people might exist without a polity, throughout the history of Western Civilization all peoples living in society have always organized themselves in some form of polity. And, in the nature of things, no form of polity is conceivable without people to comprise it. Specifically under "the Laws of Nature and of Nature's God", the people first assume the power to declare themselves a separate and independent polity. The people then

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[22] *See* U.S. Const. art. I, § 9, cl. 8 and § 10, cl. 1; *and* art. IV, § 4.

[23] U.S. Const. art. III, § 3, cl. 1 (emphasis supplied).

[24] Noah Webster, *An American Dictionary of the English Language* (New York, New York: S. Cosgrove, 1828), definition 1.

[25] Of course, the most famous and far-reaching expression of "royal sovereignty" in the *pre*-constitutional era was the arrant claim of King Louis XIV of France that "*l'état, c'est moi*" ("I am the state").

[26] *See* Afroyim v. Rusk, 387 U.S. 253, 257 (1967); Chisholm v. Georgia, 2 U.S. (2 Dallas) 419, 456 (1793) (opinion of Wilson, J.).

[27] *An American Dictionary, ante* note 24, definition 5.

institute within the polity some form of government sufficient unto themselves. The government is thus distinct from both the people and the polity. It is neither antecedent to or coeval with, nor identical to, nor superior or even equal to, the polity, let alone the people; but instead is solely the invention and instrument of the people through the polity, always dependent upon the people and the polity for its continued existence, let alone its authority. That being so, although each individual within the polity owes obedience to the polity's government (so long as public officials do not overstep the bounds of their authority), he owes allegiance, not to the government, but to the polity. And inasmuch as the polity is "the body of the people" and "the body of the people" is the polity, in the final analysis each individual amongst the people owes the highest level of allegiance to the people as a whole.

In America in particular, WE THE PEOPLE are antecedent to and the source of each and every government, and always remain superior to all of them. As the Declaration of Independence explains, under "the Laws of Nature and of Nature's God" "all men are created equal" and "endowed by their Creator with certain unalienable Rights", and "to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed". So "Governments" are not somehow self-generated and autonomous, but rather are the creations of "the governed", which may exercise only such "just powers" as "the governed" deign to concede to them. Moreover, "Governments" can assert no claim to permanency, either in whole or in part. Rather, they are utterly dependent upon "the consent of the governed" for their continued existences and authority. For, "whenever any Form of Government becomes destructive of the[ ] ends [for which it was instituted], it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness". Self-evidently, if "the People"—by "Right"—may "alter or * * * abolish" "any Form of Government" when they find its actions fundamentally "destructive", and may "institute new Government" as they see fit, *and the rogue officialdom within the original "Form of Government" is entitled to no say whatsoever in this process*, then the authority of "the People" cannot possibly derive from the "Form of Government" then extant, let alone from the as-yet-nonexistent "Form of Government" to be erected in its place, but instead must inhere in "the People" themselves, as a consequence of "the Laws of Nature and of Nature's God". That is, under the aegis of those "Laws" "the People" alone are the sovereigns, the "Form of Government" their creation, and public officials within that "Form of Government" subjects who necessarily owe allegiance to "the People".

The Constitution, too, makes clear that none of "the several States" that make up "the United States" is to be confounded with her government. For it mandates that "[t]he United States shall guarantee to every State in this Union a

Republican Form of Government".[28] This proves that a "State" is distinct from "a Republican Form of Government". "[A] Republican Form of Government" is merely an establishment located within and dedicated to the service of a "State". A "State in this Union" could conceivably exist without "a Republican Form of Government", otherwise the guarantee of that particular "Form of Government" would be supererogatory. But "a Republican Form of Government" (or any "Form of Government", for that matter) cannot exist independent of a "State". Moreover, inasmuch as every one of "the several States" must have her own "Republican Form of Government", and inasmuch as "the United States" are "the several States" taken collectively under the Constitution, then "the United States" must themselves collectively enjoy, and must always maintain, their own "Republican Form of Government". For, if the government of "the United States" were not itself always "a Republican Form of Government", and did not behave as such in the performance of all of its functions—while at the same time "[t]h[e] Constitution, and the Laws of the United States which shall be made in Pursuance thereof * * * , shall be the supreme Law of the Land"[29]—then "the United States" could purport to impose upon "the several States" "Laws" incompatible with the "Republican Form of Government" which "the United States shall guarantee to every State", thereby nullifying that guarantee. As with "the several States", though, the "Republican Form of Government" of "the United States"—embodied in the Constitution—is distinct from "the United States" themselves. The Constitution is not "the United States". Rather, it is the "Form of Government" WE THE PEOPLE have "ordain[ed] and establish[ed] * * * for the United States",[30] which sets out the "Powers vested * * * in the Government of the United States".[31] Distinguishably, "the United States" are the States which originally ratified the Constitution,[32] or which later were "admitted by the Congress into th[e] Union"[33]—and which can alter the Constitution to almost any degree,[34] or through the actions of their people even abolish and completely replace it in any way that the people see fit, consistent with "the Laws of Nature and of Nature's God".[35]

In sum, under the Declaration of Independence and the Constitution, the governments of "the several States"cannot be confounded with "the several States", and the government of "the United States" cannot be confounded with "the United States". On the other hand, WE THE PEOPLE cannot be distinguished from "the

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[28] U.S. Const. art. IV, § 4.

[29] U.S. Const. art. VI, cl. 2.

[30] U.S. Const. preamble.

[31] *See* U.S. Const. art. I, § 8, cl. 18.

[32] U.S. Const. art. VII.

[33] U.S. Const. art. IV, § 3, cl. 1.

[34] U.S. Const. art. V.

[35] *See* Declaration of Independence.

several States" taken individually, or from "the United States" taken collectively; and "the several States" and "the United States" cannot be distinguished from WE THE PEOPLE. As a matter of composition, identity, and legal status, then, "WE THE PEOPLE of the United States" *are* "the several States" as well as "the United States"; and "the United States" as well as "the several States" *are* WE THE PEOPLE. And no disparity of interest, let alone any conflict or antagonism, can exist between any of "the several States" or "the United States" as a whole and WE THE PEOPLE.

Furthermore, even if one of "the several States" or "the United States" were taken in some contexts as coextensive merely with her or their "government", WE THE PEOPLE would always remain the sovereigns throughout America, and therefore in the final analysis would always constitute "*the* government" at every level of the federal system. The governmental apparatus of legislators, executives, administrators, and judges at any level would always consist merely of the assemblage of "representatives" whom THE PEOPLE had temporarily appointed, and to whom they had delegated discrete, defined, and therefore limited powers, for the purpose of carrying out THE PEOPLE'S will.

So, inasmuch as WE THE PEOPLE themselves are the true and only sovereigns in America—and inasmuch as WE THE PEOPLE alone are real beings physically, and the real parties in interest in the premises legally, "the several States" and "the United States" being no more than political and legal fictions—then "Treason against the United States" must entail "Treason against [WE THE PEOPLE who comprise] the United States"; "levying War against the[United States]" must always amount to "levying War against the[PEOPLE]"; and "levying War against the[PEOPLE]" must always amount to "levying War against the[United States]".

But if no one can possibly "levy[ ] War against the[United States]" without "levying War against the[PEOPLE]", and if no one can possibly "levy[ ] War against the[PEOPLE]" without "levying War against the[United States]", and if to constitute "Treason" "war must be actually levied against the United States",[36] the question nevertheless remains: "Exactly what does to 'levy[ ] War' mean?" The answer is that "Treason" requires at some point "the actual employment of force".[37] "To complete the crime of levying war against the United States, there must be an actual assemblage of men for the purpose of executing a treasonable design."[38] And "if a body of men be actually assembled, for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be

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[36] *Ex parte* Bollman, 8 U.S. (4 Cranch) 75, 126 (1807). The edition of the *United States Reports* employed here is that produced by The Banks Law Publishing Company (1904).

[37] *Ex parte* Bollman, 8 U.S. (4 Cranch) at 128.

[38] *Id.* (4 Cranch) at 127.

considered as traitors".[39] To be sure, although "'some actual force or violence must be used, in pursuance of * * * [a] design to levy war'", "'it is altogether immaterial, whether the force used is sufficient to effectuate the object; any force connected with the intention will constitute the crime of levying war'".[40] Moreover, "levying War" can embrace more than simply the appearance of men under arms and actual fighting. For example, "[i]f * * * the government established by the United States * * * [i]s to be revolutionized by force, although merely as a step to, or a means of executing some greater projects, the design [i]s unquestionably treasonable, and any assemblage of men for that purpose would amount to a levying of war".[41] Or "if * * * the subversion of the government of the United States * * * [were] a means clearly and necessarily, to be employed, if such means formed a substantive part of the plan, the assemblage of a body of men to effect it, would be levying war against the United States".[42]

IV. That contemporary "gun control" constitutes "Treason" follows from its ultimate purpose and the means it employs to achieve that goal.

First, "gun control" aims at depriving WE THE PEOPLE of precisely those "Arms" most suitable for "well regulated Militia" "in the Service of the United States" (such as *semi*-automatic rifles of standard military patterns)[43]—and, ultimately, of *all* "Arms" of whatever types that could be employed for *any* service in the Militia within "the several States". Worse yet, because "[a] well regulated Militia" is always "necessary to the security of a free State"[44]—most especially "when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce the[People] under absolute Despotism", so that it becomes "their right" and "their duty, to throw off such Government, and to provide new guards for their future security"[45]—the inevitable result of "gun control" must be to render the preservation of "the security of a free State" impossible for both "the several States" individually and "the United States" collectively, to deprive WE THE PEOPLE of the means to "throw off [an abusive] Government", and thereby to expose them to all of the ravages of "absolute Despotism" bereft of the wherewithal to defend themselves.

Second, instrumentally "gun control" aims at accomplishing these nefarious

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[39] *Id.* (4 Cranch) at 126.

[40] *Id.* (4 Cranch) at 128.

[41] *Id.* (4 Cranch) at 133.

[42] *Id.* (4 Cranch) at 131.

[43] *See* U.S. Const. art. I, § 8, cls. 15 and 16, *and* art. II, § 2, cl. 1 ("the Militia of the several States" may be called forth "in the Service of the United States" "to execute the Laws of the Union, suppress Insurrections and repel Invasions").

[44] U.S. Const. amend. II.

[45] Declaration of Independence.

ends by employing the tactics of political and legal "salami slicing": Mouthpieces for "gun control" in the big media and influential special-interest groups begin the process by slowly but surely insinuating into Americans' consciousness the notion that the private possession of certain types of firearms and ammunition, or of particular numbers of firearms and amounts of ammunition of any types, or of all types and amounts of firearms and ammunition whatsoever, poses an ever-present danger to "public safety", is inherently *anti*-social, and is defended only by ill-educated individuals, rustic buffoons, outright "crackpots", "extremists", and potential "domestic terrorists". Proponents of "gun control" in public office then couple together, steadily one by one, "a long train of abuses and usurpations"[46] in the form of purported statutes, executive orders, administrative regulations, judicial decisions, and other commands calculated to dispossess WE THE PEOPLE of some part—and cumulatively of all—of the firearms, ammunition, and related accoutrements suitable for THE PEOPLE'S service in the Militia, or even for their individual self-defense against common criminals. Finally, the enforcers of "gun control" despatch heavily armed SWAT teams and other badge-toting myrmidons and thugs to apply whatever level of violence may prove necessary in order to execute these decrees. This scheme entails nothing less than serial subversions of the Constitution by: (i) violating the Second Amendment; (ii) depriving the President of the United States, as "Commander in Chief * * * of the Militia of the several States, when called into the actual Service of the United States", of the very forces he may need to fulfill his constitutional duty to "take Care that the Laws be faithfully executed";[47] (iii) negating the duty of Congress "[t]o provide for organizing, *arming*, and disciplining, the Militia";[48] and (iv) denying the several States the ability to equip their Militia to be called forth to perform the myriad tasks of local "homeland security" that lie beyond the competence of Congress and the President. Moreover, if ultimately successful, this scheme would bring about a truly *revolutionary* transmogrification not only of the governments of the United States and of the several States—which would no longer need to "deriv[e] their just powers from the consent of the governed", and could no longer be deprived of the powers they claimed, "just" or "unjust", by any effective withdrawal of that "consent"—but also of those polities in their entireties, which would be stripped of their characters as "free State[s]" and would become instead the hapless, helpless, and hopeless subjects of "absolute Tyranny".[49]

Third, because this scheme is based upon "the subversion of the government of the United States" (as well as the governments of the several States), and intends that "the government established by the United States * * * [i]s to be revolutionized by force", it is "unquestionably treasonable, and any assembly of men for that purpose

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[46] *See* Declaration of Independence.

[47] *Compare* U.S. Const. art. II, § 2, cl. 1 and § 3 *with* art. I, § 8, cl. 15.

[48] U.S. Const. art. I, § 8, cl. 16 (emphasis supplied).

[49] *See* Declaration of Independence.

would amount to a levying of war".[50] For "a free State" is one bottomed on popular sovereignty and popular self-government, limited only by "the Laws of Nature and of Nature's God", and the government of which derives its "just powers [and *only* just powers] from the consent of the governed".[51] Because "the Sword and Soveraignty always march hand in hand",[52] "the security of a free State" rests inextricably upon "[a] well regulated Militia" in which "the people" themselves exercise "the right * * * to keep and bear Arms" without infringement.[53] Therefore, any attack upon "the right of the people to keep and bear Arms" through "gun control" enforced by "an assembly of [armed] men" is an attack upon "a free State", upon popular self-government, upon popular sovereignty, and in the final analysis upon WE THE PEOPLE themselves. For that reason, ***"gun control" is the very worst manifestation of "Treason" imaginable, because it paves the way for every other sort of oppression that psychopathic "rulers" are capable of perpetrating***.

Fourth, in the final analysis, oppression can be imposed upon the American people as a whole only through their prior disarmament effected by means of the oppressors' liberal use of guns at the local level. *And the "assembl[ies] of [armed] men" capable of being loosed upon the populace for this purpose are already in the field, in the form of various SWAT teams and other* para*-military "law-enforcement units"—which are being augmented in numbers, training, weapons, and other equipment every day—and which, if their past performances provide any indication, stand ready to carry out whatever orders might come down to them through "the chain of command" that stretches back from every Smalltown, USA, to the* Reichssicherheitshauptamt *in the Department of Homeland Security*.[54] Moreover, even if many of these "law-enforcement personnel" are basically honest and conscientious as individuals, as members of their units they are being systematically brainwashed into believing that the personal possession of certain types of firearms (such as *semi*-automatic rifles), or even of all firearms, by "civilians" somehow threatens "the government" and "law enforcement" (including themselves) with grave dangers that only comprehensive disarmament of the general population can forefend.

In all of this, "Treason" appears in its naked repulsiveness. As Blackstone

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[50] *Ex parte* Bollman, 8 U.S. (4 Cranch) 75, 131, 133 (1807).

[51] Declaration of Independence.

[52] Anonymous [John Trenchard with Walter Moyle], AN ARGUMENT, Shewing, that a Standing Army Is inconsistent with A Free Government, and absolutely destructive to the Constitution of the English Monarchy (London, England: [no publisher identified] 1697), at 7. On Trenchard's importance, *see* Introduction, *The English Libertarian Heritage: From the Writings of John Trenchard and Thomas Gordon in* The Independent Whig *and* Cato's Letters, David L. Jacobson, Editor (Indianapolis, Indiana: The Bobbs-Merrill Company, Inc., 1965).

[53] U.S. Const. amend. II.

[54] To verify this observation, one needs simply to search the Internet under such terms as "police brutality" to find all too many examples of the worst sort of Gestapo-style oppression occurring within America on a regular basis.

observed, in general "Treason" embraces "that accumulation of guilt which arises whenever a superior reposes a confidence in a subject or inferior between whom and himself there subsists a natural, a civil, or even a spiritual relation: and the inferior so abuses that confidence, so forgets the obligations of duty, subjection, and allegiance, as to destroy the life of such superior".[55] Through the Constitution of the United States (and the constitutions of the several States as well), WE THE PEOPLE have "repose[ed] * * * confidence" in public officials, who in the moral, political, and legal order are THE PEOPLE'S "subject[s] or inferior[s]". Yet, in aggressively attempting to fasten "gun control" on THE PEOPLE, ultimately through the application of deadly force, these "subject[s] or inferior[s]" have "so abuse[d] that confidence, [and] so forg[otten] the[ir] obligations of duty, subjection, and allegiance" as even to compass "destroying the li[ves] of [their] superior[s]" in order to achieve their own ends. Thus they have, with their very own hands, buried themselves in an "accumulation of guilt".

V. To be sure, their apologists would deny that public officials intent upon imposing "gun control" anywhere within America's federal system—and even preparing to impose it everywhere within America under the guns of *para*-military storm troopers—could fairly be charged with "Treason" simply for performing, albeit heavy handedly, what those officials imagine to be their governmental functions. And, if so charged, such officials would doubtlessly assert "official immunity"—either so-called "absolute immunity", which offers complete insulation from trial for legislators and judges; or "qualified immunity", which provides contingent and conditional protection for executive and administrative officials.

These purported "immunities", however, are the largely bastard contrivances the Judiciary has concocted (one must surmise) for the very purpose of negating the constitutional requirement that "[t]he Senators and Representatives [in Congress], and the members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, *shall be bound* by Oath or Affirmation, to support this Constitution".[56] For, obviously, if public officials can successfully interpose some defense of "immunity" against charges that they have violated their "Oath[s] or Affirmation[s], to support th[e] Constitution", then they are *not* "bound" by such "Oath[s] or Affirmation[s]" at all, but are released by their "immunities"; and in that event their "Oath[s] or Affirmation[s]" become legal nullities, thereby exposing the Constitution as a toothless paper tiger if not a self-contradictory fraud. The rather piquant irony in this situation is that the Judiciary's very contrivance of these "immunities" constitutes a violation of the judges' own "Oath[s] or Affirmation[s], to support th[e] Constitution", and doubly so where the judges interpose "absolute immunity" in their own favor in order to insulate

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[55] *Commentaries on the Laws of England, ante* note 19, Volume 4, at 74.

[56] U.S. Const. art. VI, cl. 3 (emphasis supplied).

themselves from what should be the dire consequences of their own misbehavior.

Yet even in the Judiciary's Never-Never Land of "case law", "precedents", and "*stare decisis*", the judges apply these purported "immunities" only in civil cases, but not (so far at least) in criminal prosecutions. And "Treason" being (in Blackstone's estimation) "the highest civil crime, which (considered as a member of the community) any man may possibly commit", any defense to a charge of "Treason" based upon a purported "official immunity" must be rejected out of hand.

But a more fundamental reason for disallowing any defense of "official immunity" in the case of "Treason" can be adduced from the Constitution itself. The Constitution recognizes only two "immunities" for public officials. The first of these is that "for any Speech or Debate in either House [of Congress], the[Senators and Representatives] shall not be questioned in any other Place".[57] The self-evident purpose of this "immunity" is to encourage and enable legislators to ventilate candidly and completely any controversial issue that comes before them. Such openness is necessary, because—in contrast to corrupt back-room deals worked out among and on behalf of selfish special-interest groups at the expense of the public—what constitutes "the *common* defence" and "the *general* Welfare" demands thoroughgoing investigation and frank discussion, so that, through the marshaling of facts and the persuasiveness of arguments, the truth of the matter may be determined, and a fair manner of dealing with it decided upon, to the end that "domestic Tranquility" may be "insure[d]" and "Justice" may be "establish[ed]".[58]

"[A]ny Speech or Debate" is plainly *not* the same, however, as an *actual vote* on some bill, order, or resolution, which is the first step towards the enforcement of some required behavior on members of the general public. "Any Speech or Debate", after all, may amount to no more than hot air, and by itself has no legal consequence, whereas an actual vote that results in the enactment of a statute will impose upon WE THE PEOPLE whatever legal effect—or whatever unconstitutional abuse—the statute mandates. Thus, by explicitly limiting the "immunity" to "any Speech or Debate" *alone*, the Constitution excludes any purported "immunity" for an actual vote in favor of an unconstitutional bill that eventually becomes an unconstitutional statute as a result of that and other favorable votes. If the bill is unconstitutional, each and every vote that contributes to its enactment as a statute (along with the President's approval when that occurs[59]) is equally unconstitutional; each and every Member of Congress so voting (and the President so approving) thereby violates his "Oath or Affirmation, to support th[e] Constitution"; and the requirement that those legislators (and the President) "shall be bound" mandates that punishment in *some*

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[57] U.S. Const. art. I, § 6, cl. 1.

[58] *See* U.S. Const. preamble (emphasis supplied).

[59] *See* U.S. Const. art. I, § 7, cls. 2 and 3.

form be had.

More specific to the problem of "Treason", the Constitution provides another "immunity" for Members of Congress: namely, that "[t]hey shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same".[60] Thus, the Constitution provides Members of Congress with *no* "immunity" whatsoever from "Arrest" on charges of "Treason, Felony and Breach of the Peace" at *any* time; and *no* "immunity" specifically from "Arrest" on any other charges at all times other than "during their Attendance at [such] Session[s] * * * and in going to and returning from the same". Furthermore, it provides them with *no* "immunity" at all from being simply investigated for, charged with, or even tried at any time for any crime, including "Treason, Felony and Breach of the Peace".[61]

That Members of Congress can be subject to both charges of and even "Arrest" for "Treason" at any time implies that they are capable of committing "Treason" at some time. And that they can be subject to charges of and even "Arrest" for "Treason" specifically "during their Attendance at the Session of their respective Houses", implies not only that their "Treason" could occur before, but also that it could transpire *during*, such a "Session", even as a part or a consequence of the Congressional business—or perhaps more accurately put, monkey-business—then being conducted. So, if a purported statute enacted by rogue Members of Congress constitutes a causal link in a concatenation of events ultimately terminating in "Treason"—by, for example, providing the colorable legalistic rationalization for "an actual assemblage of men for the purpose of executing a treasonable design", and for "the actual employment of force" to that end[62]—then each and every Member of Congress who voted for that statute is subject to a charge of "Treason", and at any appropriate time to "Arrest" on that charge. For, "if a body of men be actually assembled for the purpose of effecting by force a treasonable purpose, *all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy*, are to be considered as traitors".[63] As William Hawkins (an English legal commentator upon whom Blackstone often relied) explained, "it is certain, That a bare Conspiracy to levy * * * War cannot amount to Treason, unless it is actually levied; yet * * * in all Cases, if the Treason be actually

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[60] U.S. Const. art. I, § 6, cl. 1.

[61] In all cases involving "Treason", however, the Constitution does set out two further *quasi*-"immunities" in its specifications of the evidence necessary for a conviction and the type of punishment which may not be imposed: namely, that "[n]o person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court", and that "no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted". U.S. Const. art. III, § 3, cls. 1 and 2.

[62] *Ex parte* Bollman, 8 U.S. (4 Cranch) 75, 127, 128 (1807).

[63] *Id.* (4 Cranch) at 126 (emphasis supplied).

compleated, the Conspirators * * * are Traitors as much as the Actors".[64] And "there can be no Doubt but that he, who by Command or Persuasion induces another to commit Treason, is himself a Traitor * * * and yet he does no Act but by Words".[65]

Rogue Members of Congress would not be the only malefactors bereft of "immunity" from charges of "Treason" in such circumstances. For the Constitution sets up for all other public officials of the General Government *no "immunity" whatsoever* from *any* enforcement of the law of "Treason" at *any* time, whether that enforcement be embodied in suspicion, investigation, charge, arrest, indictment, or trial.[66] Therefore, the execution of such a purported statute by rogue officials of the Executive Branch or of administrative agencies, or judicial decisions upholding or enforcing such a statute, could constitute "Treason". Interestingly enough, a rogue President of the United States would be in the worst position of all, because: (i) the President "take[s]" the very specific "Oath or Affirmation" that he "will faithfully execute the Office of President of the United States, and will to the best of [his] Ability, preserve, protect and defend the Constitution of the United States";[67] and (ii) the Constitution explicitly imposes on the President the unconditional duty to "take Care that the Laws be faithfully executed".[68] Being so constrained, the President cannot plot, participate in, condone, or overlook "Treason" either (i) by refusing to interpose his "Objections" to, let alone signing, a treasonous statute, order, resolution, or other vote of a rogue Congress;[69] or (ii) by not preventing the execution of such a statute by anyone subject to his authority, let alone executing the statute himself, if rogue Congressmen purport to override his veto.

Similarly for any and all public officials of the several States—whether their offices be executive, judicial, or even legislative in character. Individual rogue public officials of a State—and even everyone who purports to hold an official position in an entirely rogue governmental apparatus that seizes power in a State[70]—are capable of committing "Treason" in the course and as the consequence of their ostensibly "official" acts. And the Constitution recognizes *no* "immunities" of *any* sort for *any* one of them. To the contrary: The Constitution unconditionally commands that "[n]o State shall make or enforce any law which shall abridge the privileges or

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[64] A *Treatise of The Pleas of the Crown* (London, England: E. and R. Nutt, and R. Gosling, Third Edition, 1739) Book I, Chapter 17, § 27, at 38.

[65] *Id.*, Book I, Chapter 17, § 39, at 39.

[66] With certain caveats as to the evidence requisite for, and the punishment permissible upon, a conviction. *See ante*, note 61.

[67] U.S. Const. art. II, § 1, cl. 7.

[68] U.S. Const. art. II, § 3.

[69] *See* U.S. Const. art. I, § 7, cls. 2 and 3.

[70] *See, e.g.*, Texas v. White, 74 U.S. (7 Wallace) 700, 718-726 (1868); Thorington v. Smith, 75 U.S. (8 Wallace) 1, 7-11 (1869); Hanauer v. Doane, 79 U.S. (12 Wallace) 342, 347 (1871); Sprott v. United States, 87 U.S. (20 Wallace) 459, 464-465 (1875).

immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law".[71] And it empowers Congress "to enforce, by appropriate legislation, the[se] provisions".[72] "[A]ppropriate legislation" "to *enforce* * * * the[se] provisions", of course, cannot possibly be "legislation" that affords any State's officials any "immunity" from "enforce[ment]". In addition, because the Constitution vests the "power to enforce" explicitly and exclusively in Congress, the Judiciary cannot claim any competence to invent any "immunity" in the course of the judges' own "enforce[ment]" of "the[se] provisions" as cases serially come before them. A purported State statute which forms a link in a chain forged to fasten "Treason" on WE THE PEOPLE in that State unquestionably "abridge[s] the privileges or immunities of citizens of the United States" and "deprive[s] * * * person[s] of life, liberty, or property, without due process of law". Therefore, any State officials who vote for such a statute, approve it, or attempt to execute or otherwise apply it can claim no "immunity" when, on the basis of those actions, they are suspected, investigated, charged, arrested, indicted, or tried.

VI. That a public official may be entitled to no "immunity" from a charge of "Treason" does not necessarily mean that he is guilty as charged. As with most other crimes, "Treason" requires proof of what lawyers denote as *mens rea*, or a guilty state of mind in the alleged perpetrator. Such subjective intent can be inferred, however, from out-and-out knowing, intentional, and willful behavior; or from the perpetrator's willful blindness to the legal consequences of his actions; or from his reckless disregard of the facts surrounding those actions. With respect to public officials in particular, except in a very limited set of circumstances *every* act that objectively amounts to "Treason" should also subjectively implicate "Treason"—that is, the mere commission of such an act should almost always evidence criminal intent. This is because "[t]he Senators and Representatives [in Congress], and the members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution"[73]—and in the case of the President of the United States because of the especially strict "Oath or Affirmation" that he "will faithfully execute the Office of President * * * , and will to the best of [his] Ability, preserve, protect and defend the Constitution of the United States".[74] No one can truthfully swear an "Oath" or make an "Affirmation, to support th[e] Constitution"—let alone to "preserve, protect and defend" it—if he does not know precisely what the

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[71] U.S. Const. amend. XIV, § 1.

[72] U.S. Const. amend. XIV, § 5.

[73] U.S. Const. art. VI, cl. 3.

[74] U.S. Const. art. II, § 1, cl. 7.

Constitution means, in its every particular, *at that very time*.[75] By swearing such an "Oath" or making such an "Affirmation", each and every public official affirmatively represents that he possesses the necessary and sufficient knowledge and harbors the specific intent, at that very moment, to conform all of his official actions to constitutional principles. If he knows or ought through the exercise of prior diligence to know that he lacks such knowledge or intent, or is willfully blind to his own ignorance and double-mindedness on the requirement "to support th[e] Constitution", or expects recklessly to disregard the true meaning of the Constitution in the course of his incumbency in office, then he is guilty of (i) perjury or false swearing with respect to the "Oath or Affirmation" itself, and (ii) whatever other crimes his violations of the "Oath or Affirmation" will thereafter encourage and enable him and others leagued with him to commit. If subsequently caught in violations of his "Oath or Affirmation", such a wayward public official could have recourse only to some variety of "the insanity defense": namely, that, with respect to all of his derelictions of duty upon and since assuming public office, he was always unable to distinguish right from wrong, or to conform his behavior to the legal and moral principles of rectitude made known to him, because of some debilitating mental disease or defect.[76]

VII. With respect to contemporary attempts to impose "gun control" on common Americans, rogue public officials are not the only parties arguably guilty of "Treason". To be sure, the ultimate success of "gun control" absolutely depends upon the numerous Quislings:

> (i) Who concoct the legalistic rationalizations for it—namely, the legislators and administrators who vote for "gun-control" statutes or promulgate "gun-control" regulations, and immediately behind them the policy-makers and advisors on their staffs who counsel them, and the draftsmen who actually craft those measures.
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> (ii) Who deploy in the field either to threaten, or actually to use, force

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[75] By itself, this consideration demolishes the all-too-popular theory of "the living Constitution"—that the meaning of the Constitution can, and should, unpredictably change whenever and in whatever ways the political vicissitudes of future times may demand. For no one could rationally swear an "Oath" or make an "Affirmation, to support th[e] Constitution" the future meaning of which he could not know, or perhaps even guess, in the present. After all, who in his right mind and with a clear conscience would swear or affirm "to support th[e] Constitution", which explicitly provides in the Fifth Amendment that "[n]o person shall be held to answer for a capital * * * crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger", but which at some future time rogue public officials might claim to "re-interpret" in order to license themselves to commit "official assassinations" of "person[s]" who had been neither indicted, nor tried, nor convicted of *any* actual "crime", let alone a "capital" one?

[76] This may not be as rarely applicable a plea as might be imagined. *See, e.g.,* Andrew M. Łobaczewski, *Political Ponerology: A Science on the Nature of Evil Adjusted for Political Purposes* (Grande Prairie, Alberta, Canada: Red Pill Press, Second Edition, 2006).

in order to impose "gun control" against common Americans under color of purported statutes and regulations—namely, the armed enforcers from executive or administrative agencies at every level of the federal system, from local civilian police to units of the regular Armed Forces. And,

(iii) Who brush the final legalistic whitewash of "due process of law" across the canvas of enforcement of "gun-control" statutes and regulations—namely, the prosecutors and judges who actually charge, try, fine, and imprison the victims of "gun control".

Notwithstanding that these individuals exercise what they are wont to mischaracterize as "governmental authority"—and a *mis*characterization it undeniably is, for "[a]n unconstitutional act is not a law; it confers no rights; it imposes no duties * * * ; it is, in legal contemplation, as inoperative as though it had never been passed"[77]—they do not act autonomously. They never play the rôles of "lone gunmen" in the assassination of "a free State" through "gun control". No, indeed. The success of the long march to "gun control" throughout America has always depended, and today depends more than ever, upon a far-reaching network of allied co-conspirators, including:

(i) The political parties for which "gun control" is an integral part of their programs, either explicitly as a persistent discordant theme, or implicitly in the refusal ever to make promotion of revitalization of "the Militia of the several States"—and, in particular, the proper arming of the American people as a whole in the Militia—either a practice or even a promise.

(ii) The individuals and special-interest groups who and which pull the strings that make candidates for public office, political parties, and legislators dance to the tune of "gun control", by providing campaign-contributions and lobbying for various statutes—especially the subversive "think-tanks" that tout themselves as possessed of some peculiar expertise in law and "public policy" related to the private possession of firearms. And,

(iii) The modern "Goebbels Squad" of conscienceless purveyors of propagandistic cover for "gun control"—the myriad echo-chambers of "the big lie" among the intelligentsia; and the talking, but empty, heads in the mass media who rail incessantly for "gun control" in clipped slogans and sophomoric sound-bites.

VIII. Of this entire malignant crew, Americans need to be particularly wary

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[77] Norton v. Shelby County, 118 U.S. 425, 442 (1886). *Accord*, Poindexter v. Greenhow, 114 U.S. 270, 288 (1885); Huntington v. Worthen, 120 U.S. 97, 101-102 (1887); Fay v. Noia, 372 U.S. 391, 408-409 (1963).

of rogue officials in the Executive Branch of the General Government. As a critical component in the rise and practice of modern tyranny, within the United States as well as elsewhere throughout the world, "gun control" is always localized in, is always worked through, and ultimately always fosters and serves the aggrandizement of, the Executive Branch of government.

Americans must not make the mistake of assuming, though, that this process of political and legal degeneration is peculiar to the present day. To fall afoul of such myopia would provide more evidence for the old adage that "no one ever learns anything from history except that no one ever learns anything from history". Such a devolution into tyranny is rather old hat. As Blackstone recounted the course of events in his own era,

> [F]ROM the [English] revolution of 1688 to the present time [that is, the *mid-*1700s] * * * many laws have passed; as the bill of rights, * * * which have affected our liberties in * * * clear and emphatical terms; * * * have confirmed, and exemplified, the doctrine of resistance, when the executive magistrate endeavours to subvert the constitution; have maintained the superiority of the laws above the king, by pronouncing his dispensing power to be illegal; have indulged tender consciences with every religious liberty, consistent with the safety of the state; * * * and have * * * made the judges completely independent of the king, his ministers, and his successors. *Yet, though these provisions have, in appearance and nominally, reduced the strength of the executive power to a much lower ebb that in the preceding period; if on the other hand we throw into the opposite scale * * * the vast acquisition of force, arising from the riot-act, and the annual expedience of a standing army; and the vast acquisition of personal attachment, arising from the magnitude of the national debt, and the manner of levying those yearly millions that are appropriated to pay the interest; we shall find that the crown has, gradually and imperceptibly, gained almost as much in influence, as it has apparently lost in prerogative.*[78]

In Blackstone's England, "the riot-act" addressed "[T]HE *riotous assembling* of *twelve* persons, or more, and not dispersing upon proclamation", and was "meant to suppress" such assemblies as "were set on foot with intention to offer violence to the privy council, or to change the laws of the kingdom".[79] Today, notwithstanding their own "bill of rights, * * * which have affected [their] liberties in * * * clear and emphatical terms", common Americans have become the targets of vast expansions of "the riot act" in the various excrescenses of "the war on terrorism"—such as

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[78] *Commentaries on the Laws of England, ante* note 19, Volume 4, at 433-434 (emphasis supplied).

[79] *Id.*, Volume 4, at 142.

pervasive surveillance, searches and seizures without either warrants or probable cause, designations as "enemy combatants", exposure to "the laws of war", extraordinary rendition, indefinite detention, torture, trials by "military commissions", and even official assassinations (by mechanical as well as human drones). And its proponents have proffered as a major excuse for "gun control" the supposed necessity of disarming so-called "patriots", "constitutionalists", and other "*anti-*government extremists" who desire "to change the [false] laws of the kingdom" that license such abominations, to dismantle the national *para-*military police-state apparatus which has been constructed to enforce these decrees, and to return this country to the rule of *constitutional* law.

Although in the present political context—in which all too many Americans have forgotten that "[i]t would indeed be ironic if, in the name of national defense, we would sanction the subversion of [any] of those liberties * * * which makes the defense of the Nation worthwhile"[80]—these ideals may strike some as being "extreme" (in the perverse way that all ideals based upon uncompromising principles always appear to be "extreme" to those unburdened with any principles), none of them is "*anti-*government" in principle or practice. To the contrary, each and every one of them is consistent with and furthers the first and abiding precepts of American government.

For example, what Blackstone denoted as "the doctrine of resistance, when the executive magistrate endeavours to subvert the constitution", is embodied without equivocation or apology in the teaching of the Declaration of Independence that, "when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce the[People] under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security". And the primary means for effecting such "resistance" are "the Militia of the several States", which the Constitution explicitly incorporates as permanent components of the federal system[81]—those "well regulated Militia" the Second Amendment declares to be "necessary to the security of a free State", and recognizes as being composed of "the people" who exercise "the right * * * to keep and bear Arms" without infringement—that is, WE THE PEOPLE themselves, not "we the public officials" or their armed minions. Who *can* deny this, without denying the explicit precepts and mandates of the Declaration and the Constitution? And who *would* deny it, except those who intend by their denial to perpetrate "a long train of abuses and usurpations" aimed at "reduc[ing] the[People] under absolute Despotism"? How ridiculous as well as revealing it is when rogue public officials contend that WE THE PEOPLE should not be allowed to possess so-called "weapons of war" (such as *semi-*automatic rifles of military patterns), while at the very same time

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[80] United States v. Robel, 389 U.S. 258, 264 (1967).

[81] U.S. Const. art. I, § 8, cls. 15 and 16, *and* art. II, § 2, cl. 1.

they claim the unbridled power to denounce ordinary Americans as "enemy combatants" and to subject them as such, not just to "the laws of war", but beyond that to all the rigors of "war".[82]

Nonetheless, just as in Blackstone's time, today America groans under "the vast acquisition of personal attachment, arising from the magnitude of the national debt, and the manner of levying those yearly millions that are appropriated to pay the interest". The contemporary situation is far worse than anything Blackstone experienced or could have imagined, however. Can anyone deny that the present unpayable national debt—which careful students of the problem reckon at more than *two hundred twenty two trillion* "dollars",[83] with hundreds of billions, not mere millions, necessary to defray just the interest—will soon bring about a national economic crisis, accompanied by pervasive social unrest and civil disobedience on a massive scale, in which event the national *para*-military police-state apparatus will be deployed against common Americans in an orgy of repression? Indeed, can anyone deny that the inevitability of such a situation is the real, and no longer recondite, reason for the creation of that apparatus in the first place?

In addition, just as in Blackstone's time, today America is exposed to "the vast acquisition of force" by the Executive Branch in the form, not only of the ostensibly civilian national *para*-military police-state apparatus which has arisen out of "the war on terrorism", but also of an effectively permanent "standing army" hypertrophied in size, expense, and menace beyond anything the Founding Fathers could ever have foreseen. Of these, because of the position, prestige, and power it has assumed, "the standing army" may represent the potentially more fatal danger to this country. For, inevitably, the members of "the standing army" who are partisans of the military-industrial complex, the national-security state, and the supremacy of "martial law" in times of national crisis are opponents of revitalization of "the Militia of the several States", because the Militia would provide effective constitutional "checks and balances" against usurpation of authority by "the standing army"—especially by obviating any supposed necessity to invoke "martial law" in such times.[84] So they must be no less opposed to WE THE PEOPLE'S being equipped with firearms (such as *semi-*

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[82] In this regard, particularly ominous are reports circulating at the time of this writing that the Department of Homeland Security has or soon will have at its disposal some 2,700 armored personnel carriers of the most modern design. To put this number into historical context, one need recall only that when the German *Wehrmacht* invaded Holland, Belgium, and France in 1940, and defeated the armies of those countries as well as a British expeditionary force, it initially disposed of only 2,200 armored vehicles of all types. General Heinz Guderian, *Panzer Leader* (Cambridge, Massachusetts: Da Capo Press, 1996), at 94.

[83] *See, e.g.,* Lawrence Kotlikoff, *U.S. Is "Totally Broke": Federal Govt's Fiscal Gap is $222 Trillion*, at <www.kotlikoff.net>.

[84] The Militia may be "call[ed] forth to execute the laws of the Union" at all times, and even during "Insurrections" and "Invasions". U.S. Const. art. I, § 8, cl. 15. The Constitution grants no such authority to "the standing army". So, as long as the Militia exist, "martial law" imposed by "the standing army" not only is unnecessary in practice and without specific constitutional justification, but also is arguably barred altogether.

automatic rifles) with which THE PEOPLE could actually implement such "checks and balances". This, no doubt, is why rogue (or at least recklessly irresponsible) elements in "the standing army" seem so willing to coöperate with civilian operatives in the Executive Branch in order to set up a national *para-*military police-state apparatus in which they presume that "the standing army" will play the rôle of the ultimate enforcer and thereby assume "the power behind the throne". Unfortunately for them as well as for this country, these people are prime examples of the simpletons who refuse to learn anything from history, because if they continue on the path they are following they doubtlessly will discover—albeit doubtlessly too late—that they have cruelly deceived themselves, just as the German *Wehrmacht* discovered when Hitler and Himmler worked to supplant it with the *Waffen-SS* and to control it through the *Reichssicherheitshauptamt*.[85]

Yet even "the standing army" must be presumed to number within its ranks a not insignificant core of individuals with sufficient insight and foresight to recognize their own self-interest—as well as their constitutional, political, and moral duties—and to align themselves with other patriotic Americans in order to take the steps necessary at least to mitigate, if not entirely to correct, the present situation. Steps such as rejecting "gun control", and on the foundation of that rejection revitalizing "the Militia of the several States".

First, however, *all Americans must dare to call things by their right names*.

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[85] *See, e.g.,* John W. Wheeler-Bennett, *The Nemesis of Power: The German Army in Politics 1918-1945* (London, England: Macmillan and Company Limited, 1964); Hans Bernd Gisevius, *To the Bitter End: An Insider's Account of the Plot To Kill Hitler, 1933-1944* (New York, New York: Da Capo Press, Inc., 1998); Ulrich von Hassell, *The von Hassell Diaries, 1938-1944* (London, England: Hamish Hamilton, 1948). Ominous straws in the wind suggest that the possibility of developments of this sort within America are not implausible. For instance, in the video recording of a campaign speech in Colorado Springs, Colorado, in 2008, Barack Obama opined that "[w]e cannot continue to rely on our military in order to achieve the national-security objectives we've set. We've got to have a civilian national-security force that's just as powerful, just as strong, just as well funded." Suspiciously, the official transcript of this address omits the foregoing lines; exactly what they were meant to imply may be open to debate; and what may now be being planned along those lines behind closed doors in the District of Columbia is anyone's guess. What is pellucid, however, is that those remarks were not intended to promote revitalizing "the Militia of the several States", the *only* institutions the Constitution recognizes as entitled to be "just as powerful, just as strong, just as well funded" as "the standing army".