

Which “gun culture” should Americans defend?

As a long-time member of the National Rifle Association who tries to take the organization seriously, I find myself increasingly nonplussed by its naïveté. The source of my most recent encounter with this defect is the “President’s Column” by Allan D. Cors, in the July 2016 edition of the NRA’s American Rifleman magazine. The column is entitled, accurately enough, “Clinton, Pelosi and Schumer Form a Triumvirate Against Liberty”. The basic flaw appears in the body of the piece, wherein the NRA, in the person of Mr. Cors, once again makes the elementary blunder of electing to fight, on its enemies’ own chosen ground, what seems to be shaping up as a (if not the) decisive battle against “gun control”.

1. Mr. Cors first predicts that, once elected President, Mrs. Clinton will “drastically alter the makeup of the Supreme Court to render meaningless the right to keep and bear arms”, presumably by reversals of the Court’s decisions in the recent Heller and McDonald cases. His foresight is doubtlessly accurate. His hindsight, however, lacks insight. For he fails to recognize that the majority opinions in Heller and McDonald, if not entirely “meaningless” with respect to “the right of the people to keep and bear Arms”, surely confused the matter in a very significant manner, by vivisectioning the Second Amendment—amputating its last fourteen words from the first thirteen. Indeed, the only Justice who participated in those cases and exhibited even a tenuous grasp of the constitutional principle that the Second Amendment, just as any other coherent sentence in the English language, must be read and understood in its entirety, not verbally sliced into mutually independent parts, was Justice Stevens, who dissented in both cases. To be sure, Justice Stevens proved that he had no idea what the Second Amendment, taken as a whole, actually

means. But at least he had a better initial chance of figuring out that meaning than did the Justices who predicated their opinions on the self-evident fallacy that the last fourteen words of the Amendment could be construed and applied, not only in disregard of, but even in opposition to, its first thirteen words.

Mr. Cors' more dangerous nearsightedness is his failure to see that, whoever the President may be, the composition of the Supreme Court inevitably changes from time to time; and with those changes are likely to come unanticipated revisions of its opinions on various subjects. (One has only to recall how President Reagan's appointee, Justice Souter, proved to be anything but a true "Reaganite" after his confirmation; or how President Bush's appointee, Chief Justice Roberts, has turned out to be something of a weak reed, too.) If the history of the Judiciary teaches Americans anything, it is that the edifice of the Court's "precedents" (what the Justices call "our cases") stands upon the unpredictable, ever-shifting, and therefore unstable sand of the then-sitting Justices' personalities, ideologies, and recondite agenda. And when a little cabal of men and women can claim, without refutation and rebuke, that their mere opinions about the laws—especially "the supreme Law of the Land", the Constitution itself—are the laws, the meanings of which no one other than they themselves can declare, and everyone else is bound to accept as constitutional gospel of near-Papal infallibility, Americans live under a veritable "government of men (and women)", not a "government of laws" which stand above the mere opinions of a handful of individuals who have managed through the wiles of political favoritism and intrigue to be appointed to the Bench.

Of course, if the NRA (or anyone else) acquiesces in the crackpot theory of "judicial supremacy", then "the right of the people to keep and bear Arms" is "meaningless" in an objective sense, because that "meaning" can and will fluctuate

from one of “our cases” to another, as ever-changing majorities of the Justices impose their subjective notions on the Constitution. Heller and McDonald being considered good “case law” today, the opposite tomorrow. If, however, the NRA (and everyone else committed to the true purpose of the Second Amendment) paid due attention to the Amendment’s first thirteen words, no one would ever have to worry about the composition of the Supreme Court (or of any other court, for that matter), because no decision of any court could change the relation of “the Militia of the several States” to “the people”, and therefore could deny the absolute right and constitutional duty of “the people to keep and bear Arms” in “well regulated Militia”—including especially the particular “Arms” against which the Clintons, Pelosis, and Schumers of this world incessantly rail. In “well regulated Militia”, “the people” would have untrammelled access to every conceivable “Arm[]” which could serve any purpose in the Militia. And if any court attempted to interfere with that access, the Militia, in the defense and exercise of their own constitutional authority in both the original Constitution and the Second Amendment, could say (in Andrew Jackson’s words), “Justice So-and-so has rendered his opinion; now let him enforce it.”

2. Mr. Cors then expresses his quite justifiable concern that Mrs. Clinton considers the NRA as “the enemy” which she intends to “dismantl[e]” as soon as she moves into the White House. In light of his position in the NRA, Mr. Cors may be excused for perhaps hyperbolically praising the organization as being “one force in our still-free nation that stands in her way”—although the NRA (as I have pointed out in other of my NewsWithViews commentaries) could be such a decisive force, if it were to champion the Second Amendment as a whole. But he certainly stands on solid ground when he observes that he (and the rest of us as well) “have never seen such a measure of hatred for the freedom of individual Americans” as from the likes of Mrs. Clinton, Representative Pelosi, Senator Schumer,

and “a large segment of [the Democratic P]arty’s apparatus”. “[T]hese people”, Mr. Cors correctly charges, “not only hate guns, but they hate us for being free to possess and use them.” One might go even further, and indict “these people” for their hatred of almost everything about “a free State” which patriotic Americans cherish and deserve to enjoy, secure against constant attacks from the apparatus of both of the “two” major political parties. What, though, one is entitled to ask Mr. Cors, does the Constitution declare to be “necessary to the security of a free State” against the aggression and depredations of “these people”? The so-called “individual right to keep and bear arms” on which the NRA dotes, or “[a] well regulated Militia” in each of the several States for which “the supreme Law of the Land” explicitly provides, and which would marshal the power of the entire community behind each individual’s right—and constitutional duty (except for conscientious objectors)—to possess “Arms” of all kinds?

3. Mr. Cors is certainly on target when he attacks Mrs. Clinton’s intent to prosecute an “all-out war on what she calls ‘the gun culture’”. But he misses even the backstop when he defines “the gun culture” as “includ[ing] everything we do: recreational shooting, hunting, self-defense, defense of homes, and collecting, studying, designing and trading in firearms”. What about what “we do [not] do” today, but should do? What about Americans’ participation in the “well regulated Militia” which the Constitution declares to be “necessary to the security of a free State”—that is, “the gun culture” which the Constitution itself prescribes? Why in Mr. Cors’ list is this, and this alone, conspicuous by its absence as part of “the right of the people to keep and bear Arms”, when it is the aspect of that right which would encompass and guarantee everything else that stirs Mr. Cors’ concern?

For example, what should be Americans’ priority, “hunting” or “a free State”? Could not the people in “a free State” decide,

for sound ecological reasons, that hunting should be closely controlled? Indeed, is not hunting of all sorts already regulated throughout this country for such reasons, usually with the NRA's approval? I put forward this example because all too often I come across hunters who are perfectly willing to abide "gun control" aimed at those nasty "black rifles", so long as they can continue to possess their .375 H&H Magnum bolt-action rifles with which to hunt elk, big-horned sheep, and other large or dangerous game.

At stake here is not "the gun culture" as the NRA narrowly defines it, but the continued survival of this country as "a free State" through "the gun culture" as the Constitution defines it. After "gun controllers" succeed in banning "the black rifles", the .375 H&H Magnums with their telescopic sights will soon follow (being denounced as "long-range sniper rifles"), along with collections of most if not all other firearms (being seized and destroyed in order to enable everyone to feel "safe" from "gun violence"). For Mrs. Clinton and her co-thinkers have repeatedly expressed their intent to follow the example of pervasive "gun control" already imposed in Great Britain and Australia. In the long run, nothing of Mr. Cors' "gun culture" can be preserved against that threat, unless the Constitution's "gun culture" is defended.

4. Finally, Mr. Cors points out the encouraging statistic that "[t]here are 100 million firearm owners in th[is] nation", and emphasizes that "[e]ach of us must reach out to friends, family, colleagues—all voters—with our honest message about saving the rights that guarantee our liberty". To be sure. Yet the question remains: "What is that message to be?" Everyone possessed of more than two milligrams of functional cerebral cortex already knows that "these people" whom Mr. Cors rightly excoriates pose a threat to Americans' liberties several orders of magnitude more serious than the Founders of this country faced from King George III. So the essential message cannot be the NRA's merely political exhortation, which

focuses on defeating a particularly unworthy candidate for the Presidency in the next election.

For the danger which “these people” and their ilk represent will persist, election after election, until effective institutional barriers are finally erected against it. The essential message must be the Constitution’s message, which focuses, not on political personalities, but on governmental institutions: namely, that “well regulated Militia”, and nothing less than “well regulated Militia”, are “necessary to the security of a free State”, everywhere throughout the United States. It is over the revitalization of these institutions that the final battle of “gun control” must be fought and won. Or else.

The NRA could still prove, or disprove, that (in Mr. Cors’ words) it really is the “one force in our still-free nation that stands in [Mrs. Clinton’s] way” in the short term, and (of more consequence) against her perverse vision of “gun control” in the long run. I both entertain the hope—and suffer from the fear—that he is correct.

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