



Episode 682: Guns After Orlando – And, Is the Militia Really the National Guard?

Guest: Larry Pratt

WOODS: I was telling you before we went on I had you on last on Episode 7; here we are Episode 682. And I bet you live a fairly tranquil life until something like the Orlando shooting happens, and then everyone in the world wants to talk to you all at once, so I really appreciate the fact that you made time to talk to me in particular.

PRATT: You're welcome.

WOODS: I do want to talk about Orlando in a few minutes, but I want to start with the real reason I wrote to have you on was an article – I'll link to it so people can see for themselves, TomWoods.com/682. It's an article from *MarketWatch*, and it's called – nice, neutral title – "What America's Gun Fanatics Won't Tell You." And it's about what the militia in the Second Amendment is all about, and it claims that the militia in the Second Amendment really is a reference to the National Guard. Now, this is an argument that they have made again and again and again over the years. The arguments are never any different. So I know this is not the first time you've confronted this, but he makes this argument just relentlessly, that the gun people are deliberately distorting the language and the intent of the Second Amendment, because it did not mean every single person should be able to own a gun. So how do you respond to that?

PRATT: Well, it's really an extraordinary argument, because the National Guard did not exist until 1903, so imagine how prescient the Founders were to establish a militia where everybody was talking about every man a rifle. In fact, laws of the – the Federal Militia Act of 1791 said that if you didn't have a gun when you were called up to be in the militia they'd make sure you got one – of course at your expense, but they'd provide one. I mean, you weren't going to show up and just march around empty-handed. And it was going to be your gun, so either buy one of your own or you're going to buy the one we provide for you. That's how serious they were, and at least the next Militia Act as well also had similar provisions. So clearly every man was in the militia. The federal law itself was predicated on that very fact.

WOODS: And it seems like it took the – if the National Guard was supposed to be the manifestation of what the framers had in mind in the Second Amendment, it seems like it wouldn't have taken them more than a century to set the thing up.

PRATT: (laughing) They sure took their time, indeed. They had plenty of opportunities. One of the more remarkable uses of the militia that I can recall — it wasn't per se the Battle of New Orleans, but it was around the time that the British were making their last gasps through New Orleans, around the time of the War of 1812, and they made an incursion north from New Orleans. And Andy Jackson commanding the Tennessee and Kentucky militia defeated a crack group of British troops. And that was — as late as that time in our history, the militia was an integral part of the defensive capability of our country.

WOODS: This author — let's see what his name is. He's just a columnist; I don't think he's a historian, not surprisingly — Brett Arends says, look, regardless of what the history has to say anyway, the fact is that today we have a professional army. He says, "Military matters have become so complex that no part-time soldiers could do it all. So you could argue that makes the Second Amendment null and void..." Well, could you?

PRATT: The Swiss don't buy that. The Swiss do have a small professional officer corps that's full time, and that includes especially the equivalent of sergeant, because it's sergeants that really make the militaries work. But then the Swiss have everybody in their military, and if they're in a just regular infantry-type unit, they'll be required to show up for a designated period of two weeks. If they're involved in flying airplanes, they're probably going to be every so often, more than once a year, involved in taking some practice runs with that. But everything other than that small officer corps that's there for training as much as anything is how the Swiss maintain their military.

Obviously that military isn't going to do a blessed bit of good in any kind of offensive, outside-of-Switzerland type of operation, but you can ask anybody who has studied what happened to Hitler: invading Switzerland is a real non-starter. They are designed to keep you from doing that successfully. You can invade, but you may not end up with an army, and that was what Hitler was told. He had various generals reporting back on how they might conquer Switzerland. He wanted the supply routes that would have to run through Switzerland to Italy, and it was critical for his war effort that he be able to do that. And so since the Swiss would not allow it, they were neutral, then, okay, Hitler like everything else said, I'll take it. Well, he tried, and the most optimistic assessment that came back was, yes, you'll be able to prevail, but you won't have an army left if you attack Switzerland. And as a result, Hitler never attacked Switzerland.

That is one of the more incredible stories of World War II. I frankly never hear about it. There are a couple of books written. Stephen Halbrook has written a whole book. I think it was called *Fortress Switzerland*. But other than that occasional scholarship, nobody's really taken a look at how enormously successful the Swiss military has. Volunteer — not volunteer, but the average citizen is involved in the defense of that country, every single one of them, and most of them just for a two-week stint as a grunt.

WOODS: All right, let's get back to the text of the Second Amendment. There's a complaint among opponents of gun rights that what we're doing is we're

misappropriating some of the language in the Second Amendment, that really the Second Amendment points to a collective right, that when the term "the people" is used, this is meant as the right of the people is thought of being a collective right of the people of the community as a whole to be armed, but it's not an individual right, so that when you change "the people" to an individual right to own a gun, you are at variance with the original intent of the Second Amendment. What do you say to that?

PRATT: Well, the fines did not go to whole communities for not showing up for militia service. The fines went to particular men who had not shown up, or maybe had shown up with an inoperable weapon or no weapon. So it clearly was predicated on individuals as militia. And anybody that wants to ignore that, bless their heart; they're entitled to believe anything they want, but we really can't let them have the facts.

WOODS: Also, I wrote in one of my books that even if for whatever reason, just for the sake of argument, we granted them the Second Amendment, which I would never do, but if we did you'd still have the Ninth Amendment, because the right of gun ownership was a traditional right in the English tradition, and the argument of the Ninth Amendment was that we couldn't possibly list every single right that you have, so we assume that you have — there's a whole array of unspecified rights that you also have, and certainly you would have this one by virtue of long-standing tradition. So it seems to me we've got them coming or going. There's never any mention of the Ninth Amendment.

PRATT: No, that's a very good point. The whole idea of the Bill of Rights that was certainly inherent in the Second, the design was to keep the government under control, and the Second deals with guns being used to keep government under control. So the militia was aimed at the government. Should the government start heading off in a totalitarian, dictatorial fashion, then the militia was expected and designed to step in.

One of the most under-reported parts of our history happily was dealt with when Hollywood still once in a while did something pro-Christian and pro-American history as it really was. And they've got a film, and I don't know the name of the whole film, but if one were to go on Google and just put in "Battle of Athens," you'll get the tail end of this movie, where it depicts an historical battle that happens in 1947. Men had come back from military service, and they were just absolutely stunned to realize that their community, Athens, was being run by a bunch of corruptocrats.

And as suspected would happen, indeed, the night of the election, the cops took illegally the ballot boxes from where they were at the various voting places and where they were to remain by law until the ballots had been counted and the cops removed the ballot boxes to the cop shop. And the men had kind of anticipated that that would happen. It had happened apparently before. And so when it did, apparently about an hour later, in came the "militia," a bunch of guys in their cars and in their pickup trucks, bristling with rifles, surrounded the cop shop. A brief shootout ensued, and the cops realized as bullets are zinging, ricocheting through their place that there's more of them than there are of us, and this is not likely to end well for us. And so they left

the ballot boxes there in the police station, walked out hands high — and maybe that was the original "hands up, don't shoot." But in any case, the ballots were then counted, and wouldn't you know, the reform slate had actually won. So the militia was used in a very robust sense in 1947 in Athens, Tennessee.

I would argue that the militia was rather successfully employed at the Bundy ranch two or three years ago when the BLM invaded this rancher's place and intended, as we now know from the post-action assessments, they were going to kill a lot of his cattle, maybe \$1 million of beef on the hoof, and try to destroy him financially so that they could grab his land and add it to the others in the area that they had been taking already from ranchers so that they would have a big solar farm for Harry Reid and his associates. Well, Bundy didn't really decide to receive the memo and held them off with family and eventually people were coming from all over the United States. And they weren't coming with love notes. They came armed to the teeth.

And arguably, the United States military could have squashed Bundy, but it would have been so horrendous and it would have looked so horrible that it probably would have been the beginning of the next American civil war. And as a result, they backed down. They realized that this wasn't going to end well if they persisted in what they were doing, and Bundy was able to stay on his ranch — where he had every right to be, by the way. So I think the militia continues to be an important part of the American political system and has successfully been employed to keep the government under control.

WOODS: Let's get back to the militia and what exactly it's supposed to be. It's organized state-by-state, but is there any national control envisioned over the militia, and if so, how can we with a straight face say that it exists to protect us against tyranny if it's under control of the national government?

PRATT: Well, they're to provide supplies, equipment, and I believe the Constitution also provides for naming officers. But if they don't do that, if they're derelict in a constitutional responsibility, that doesn't mean the responsibility goes away; it just means they're not going to do it. But the states have been equally derelict, and that means that you end up having a militia being kind of like a pickup football game in a vacant lot with nobody really in charge. That wasn't what the Founders were thinking about. They really wanted to have states have militia so that they would have a viable force to be able to use if need be against the federal government.

And I think that's the point where we are now. We're beginning to realize that we've let things slide entirely too far out of control, and it's time the people take back control through the state governments. I haven't yet seen a really robust effort to get states back into the business they're supposed to be in, but I believe if it's going to happen it's going to happen in the west, where the federal government has drawn some pretty clear lines that they intend to overstep constitutional authority; what are you going to do about it? And I think the states are now deciding what they're going to do about it.

WOODS: Larry, you know very well that when something as horrific as what happened in Orlando takes place, our side of things is always thrown on the defensive. And when you get on TV, you're up against people who are dead-set against you, who want to ridicule you, and who want to cut you off and you barely get enough time to speak. You're going to have about 30 seconds for your opening talking point. What is it going to be?

PRATT: The issue is not background checks; the issue is not how easy it is to get a firearm. The issue is the elephant in the room that's not been talked about to my knowledge hardly at all, unless Gun Owners of America is bringing it up on these various shows. That was a gun-free zone where the massacre occurred, and all but two massacres in the United States since 1950 have occurred in gun-free zones. Our problem is not how people get guns. Bad people are always going to get guns. They always do, not just in the United States, but everywhere in the world. The problem is by law we have set up killing zones for dirt bags to operate in, and it's past time we get rid of gun-free zones.

WOODS: But then they'll come back and say, look at all these European countries where they're stricter on guns, and we don't hear stories of mass shootings, so you can talk all day about criminals don't obey gun laws, but you have more peaceful societies in Europe. I'm sure they throw that at you.

PRATT: They do, and it's simply not true. John Lott is one of the scholars that has dug into that. Most people probably can remember the — I believe it was around 90 people killed by Anders Breivik, a Norwegian Nazi. That was just a few years ago. There have been similar episodes of mass murder in France and in Germany. You said something key, though: we don't hear about them, just like we didn't hear about the Uber driver in Chicago with the concealed carry permit that stopped a mass murder because he had his concealed firearm with him shortly after it became legal to do so.

So there are many things that we don't hear about that the media apparently doesn't find fits its frame of reference, but the fact of the matter is Europe is quite vulnerable, and the episode that they had in France where the Muslims attacked a theater and a couple of other venues, that's a clear indication that the ban on those kinds of weapons that were used is no more effective there than it is here, and the Europeans are having to wrestle with the same stupidity they've fastened themselves with that we have, and they're going to have to do something about their gun control or they're going to continue to see their own blood flowing in the gutter.

WOODS: On the Second Amendment question, again, there's so much emphasis — I mean, even when I hear people on our side of things talk about the Second Amendment, it does tend to be, again, a collective concept, that it's so that we can protect ourselves against tyranny. But to me, right now the most urgent thing is that I would want a firearm to protect myself, not necessarily against the federal government, but against a home invader whom my local government is really helpless to protect me against. By the time I get them on the telephone, I'm dead.

PRATT: Sure.

WOODS: But yet, the Second Amendment, I don't see that type of language in the Second Amendment: "So that people can protect their homes, the right to bear arms is very important." I don't see that in the language.

PRATT: No, but it's a collateral benefit of everybody owning a firearm if they are to be an effective part of the militia. You don't read about a whole lot of home invasions in Switzerland. That would be one of the more stupid criminal actions that could be engaged in to do that in Switzerland, and in fact, we have much lower home invasion rates in, say, Wyoming than we do in New York City or San Francisco or Chicago. And it's for the same reason. Crooks know more or less how much they're likely to be able to get away with, and they're likely to get nailed halfway through the window with a .30-06 or something similar in Wyoming, and about the only thing that will greet them in San Francisco is a scream.

WOODS: Exactly. Somebody put it this way and it never left me: if somebody invades your home, I'll give you two choices. You could have a gun or you could have a telephone. Now, if you choose the telephone, you can call up the authorities and they'll come take a picture of your dead body. Those are your choices.

PRATT: And particularly in areas that are suburban and rural, we're talking perhaps 20, 30 minutes or more for the police to get there, simply as a geographical fact of life. And in the city, the police may be involved in putting down some Black Lives Matter vandalism campaign in the city, and if you're being broken into the police are going to be similarly engaged. They might as well be an hour away. In effect, they may be.

WOODS: What is Gun Owners of America doing these days in the wake of the Orlando shooting?

PRATT: Well, we think there is all the more reason for the federal government to enact legislation that Senator Cornyn and Representative Stutzman had before the Congress, which would tell the states — say a Virginian's concealed carry permit in Virginia is treated the same as his driver's license. So when a Virginian drives across the country and he's in Illinois, he doesn't have to get another driver's license, and so by the same token, he shouldn't have to get another concealed carry permit. That would of course blow liberal's mind, because they would then lose control of the good guys having guns. And I've often thought it ironic that Chicago, New York, and places like that could become safe for brief periods of time, whenever they're having — say if Chicago were having a cattlemen's association convention, and this Cornyn-Stutzman law were on the books, Chicago would all of a sudden see a plunge in its crime rate (laughing). There'd be a lot of good ol' boys packing in Chicago for that weekend (laughing).

WOODS: Yeah, sure, I'd be willing to give that a try. I'm looking at the website right now; it's GunOwners.org. All kinds of resources there. And then right at the top, you've

got that statement from Ron Paul: "The only no-compromise gun lobby in Washington." Gun Owners of America at GunOwners.org. Larry Pratt, I know you have a lot of interviews to do in the wake of what's been going on, and I appreciate the fact that you took time to be with us today. Thanks so much.

PRATT: Oh, appreciate being with you, Tom; thank you.