



Written by [Joe Wolverton, II, J.D.](#) on May 8, 2023

## Is Gun Control an American Tradition?

“Gun Control Is an American Tradition.”

That’s the headline of a [recent article published on Slate](#). Now, for readers of *The New American*, it isn’t necessary to outline why Slate is not a source of sound constitutional journalism. The problem is, however, that so many Americans, while not frequent readers of Slate and sites like it, may see such a headline and believe it, or at least think it may be based on some small grain of historical fact. It isn’t.

Or is it?

The article is a rough transcription of an interview conducted by the author of the piece with a man named Robert Spitzer, whom the author describes as “an expert on American gun policy.” His expertise, apparently, is derived from his authorship of “five books about gun policy in the U.S.” Writing books on a subject does not make one an expert on a subject — anyone can write a book on any subject. And when it comes to promoting gun control, publishers aren’t likely to care much whether the author of a book on the subject has his historical facts correct. Spitzer doesn’t.

The main plank of Spitzer’s (and Slate’s) historical platform is the existence in the 18th and 19th centuries of laws throughout the states forbidding the carrying of arms in certain situations.

Speaking of these laws, Spitzer says, “They didn’t want people walking around their new town with a gun strapped to their hip. So you’d have to check your gun at the town hall or the sheriff’s office or the clerk’s office or someplace.”

He continues:

There’s been a lot of discussion and analysis of laws that restricted concealed carrying of weapons, for example. Laws that restricted the open carrying of weapons, laws that restricted the brandishing or display of weapons, laws that restricted various types of weapons that were used heavily in fights and in duels and in crimes, such as long-bladed thin knives, especially the famous Bowie knife. Now, a knife is not a gun, but a knife is an arm. It’s a weapon, and it’s a good example of how various kinds of weapons were essentially prohibited in order to solve a criminal problem.



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Anyone should be able to spot the logical fallacies within Mr. Spitzer's recitation of the history of gun control.

First, any infringement of the right of the people to keep and bear arms is beyond the power of government, for government is not the giver of that right, God is. Government, in fact, exists to protect that right, and every other one. If government begins prohibiting the exercise of our natural rights rather than protecting them, then the people have the right — the duty — “to throw off such Government, and to provide new Guards for their future security.”

So, the fact that there might have been efforts by politicians to restrict the right to keep and bear arms in the past has no bearing on the constitutionality of those efforts or any others.

Notice in Spitzer's remarks that no one was patted down or searched and no weapons were seized. There was no a priori prohibition on carrying or using arms. The same can't be said for contemporary attempts to disarm the American people.

As an aside, for anyone who reads the article — and I would suggest you do — you'll notice that despite Spitzer's claim of there having existed this or that gun control legislation in America in centuries past, he never cites any specific law to support his claims. The assertions he makes are very vague and very broad, not at all like one would expect from an expert on the subject.

Now, on to Spitzer's last claim.

In his interview with Slate, Spitzer makes the following claim regarding the Second Amendment:

Earlier in our history, there certainly was a gun culture tradition. There was a hunting/sporting tradition and the militia tradition where men of militia age were required early in our history to have, keep, and maintain military-grade guns should they be called up for a militia service.

That's why that phrase appears in the Second Amendment, to keep and bear arms, because the British would disarm men for obvious reasons during the Revolution and immediately before. And that was at a time when the main military bulwark of the country was the militia, these part-time yeoman farmers.

We don't do that anymore. That's not how we conduct national defense anymore.

The first two paragraphs are true. The last one may be true as it stands, but is no justification for disarming people.

That there are few state-based militias composed of civilians who meet and train on weekends and holidays has no bearing on whether the number of such organizations will expand or whether they might one day become “the main military bulwark of the country” once again.

The irrefutable fact is that the history of this country and of all other formerly free societies reveals that citizen-soldiers — the militia — are critical to the preservation of liberty. Standing armies are the bane of free men everywhere and throughout history, as they often become servants to tyrants. When such sad co-opting occurs, it falls upon the people, possessed of arms, to resist the tyrants and his soldiers.

Here's how James Madison explained that very scenario in *The Federalist* No. 46:

Extravagant as the supposition is, let it however be made. Let a regular army, fully equal to



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the resources of the country, be formed; and let it be entirely at the devotion of the federal government; still it would not be going too far to say, that the State governments, with the people on their side, would be able to repel the danger. The highest number to which, according to the best computation, a standing army can be carried in any country, does not exceed one hundredth part of the whole number of souls; or one twenty-fifth part of the number able to bear arms. This proportion would not yield, in the United States, an army of more than twenty-five or thirty thousand men. To these would be opposed a militia amounting to near half a million of citizens with arms in their hands, officered by men chosen from among themselves, fighting for their common liberties, and united and conducted by governments possessing their affections and confidence. It may well be doubted, whether a militia thus circumstanced could ever be conquered by such a proportion of regular troops.

So, is there a history of gun control beginning relatively early in the life of the United States? It doesn't matter. The fact that gun laws have existed is in no way logically related to the question of whether they should exist at all.

Finally, whether weapons are used to commit crimes is immaterial to whether those weapons could also be used to resist enslavement by a tyrant and his armed supporters. To restrict the use of particular firearms because they have been used to carry out the twisted desires of disturbed minds is to go chasing after one impossible goal — ending crime — by denying people the rights granted to them by God, not government.

As Thomas Gordon wrote in 1720:

Self-love beguiles men into false hopes, and they will venture to incur a hundred probable evils, to catch one possible good; nay, they run frequently into distracting pains and expenses, to gain advantages which are purely imaginary, and utterly impossible.



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