

Militia Reading

The following published works discuss matters related to the constitutional militia and the constitutional militia movement:

- Robert H. Churchill, Department of Humanities, University of Hartford:
 - "Shaking Their Guns in the Tyrant's Face": Guns, Violence, and Belonging Within the Constitutional Militia Movement, paper presented to the October 10, 2003, convention of the American Studies Association, proceedings distributed to attendees.
 - "Arming for the Last Battle: Secular and Religious Millennial Impulses within the Militia Movement", 1999 Annual Conference of the Center for Millennial Studies, Boston University, Boston, MA, November 9, 1999. [Online copy](#)
 - "Manly Firmness, the Duty of Resistance, and the Search for a Middle Way: Democratic Republicans Confront the Alien and Sedition Acts", 1999 Annual Meeting of the Society for Historians of the Early American Republic, Lexington, KY, July 17, 1999. [Online copy](#)
 - "Beyond the Narrative of 1995 - Recent Examinations of the American Far Right". *Terrorism and Political Violence*, Vol.13, No.4 (Winter 2001), pp.125–136. See [Chip Berlet](#):
Reviewing *Right-Wing Populism in America: Too Close for Comfort*, Robert H. Churchill of the University of Hartford criticized Berlet and other authors writing about the right wing as lacking breadth and depth in their analyses, failing to make contact with significant figures in the movement and conduct significant research on the Internet, and for providing analyses of far right movements that proscribe as "racist" a broad range of conservative political ideologies that are "driven more by the association of the author with various civil rights organizations and leftist political activists outlined in the acknowledgments than by the primary evidence presented in the footnotes.
 - "Forum: Rethinking the Second Amendment: Gun Regulation, the Police Power, and the Right to Keep Arms in Early America: The Legal Context of the Second Amendment". *Law and History Review* 25.1 (2007): 75 pars. 6 Nov. 2007 [Online copy](#).
 - "Forum: Response: Once More unto the Breach, Dear Friends," *Law and History Review* 25.1 (2007): 27 pars. 6 Nov. 2007. [Online copy](#)
 - Gun Ownership in Early America: A Survey of Manuscript Militia Returns. *The William and Mary Quarterly* 60.3 (2003): 46 pars. 6 Nov. 2007 [Online copy](#).
 - "Guns and the Politics of History", 29 *Revs. Am. Hist.* 329 (2001).
 - Also see his upcoming book.
- Jonathan Karl, *The Right to Bear Arms: The Rise of America's New Militias*, HarperCollins, New York (1995) [ISBN 0061010154](#).
- James Biser Whisker, retired professor of political science, West Virginia University:
 - *The Militia*, by James B. Whisker, Edwin Mellen Pr. (1992) [ISBN 0773495533](#). [Online copy](#)
 - *The American Colonial Militia, 1606-1785*, by James B. Whisker, Edwin Mellen Pr. (1997) [ISBN 0773485201](#). [Online copy](#)
 - *The Rise and Decline of the American Militia System*, by James B. Whisker, Susquehanna University Press (1999) [ISBN 094563692X](#)
 - James B. Whisker, The Citizen-Soldier Under Federal and State Law, 94 *W. Va. L. Rev.* 947, 954-56 (1992). Describes the militia system that existed in the colonies prior to and during the revolution. At 952-54: As early as the seventh century, England had developed a

militia system, requiring even the lowest class of freemen to maintain arms and be subject to a call for military duty. Id. Henry II enacted the first formal declaration of this principle with the "Assize of Arms" of 1181. The "Assize of Arms" required that every freeman provide his own arms, train periodically, and defend his country when called upon. Id. This system had in turn developed from the Roman use of citizen-soldiers during the period of the early Republic. At 954-55: If a militiaman could not afford an appropriate weapon for service, some colonies provided a credit system such that the government would furnish a weapon with a forgiving debt repayment plan, n.32. [Online copy](#)

- *The Right to Keep and Bear Arms*, Report of the Subcommittee on the Constitution of the United States Senate, Ninety-Seventh Congress, Second Session, February 1982. [ISBN 1581602545](#)
[Partial copy online](#)
- Joyce Lee Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right*, Harvard University Press (February 1, 1996) [ISBN 0674893077](#). Ch. 1: "The right of citizens to be armed not only is unusual, but evolved in England in an unusual manner: it began as a duty."
- Joyce Lee Malcolm, *The Right of the People to Keep and Bear Arms: The Common Law Tradition*, *Hastings Constitutional Law Quarterly*, Vol. 10:285-314. (1983) "The militia and the posse were summoned only occasionally, but English subjects were frequently involved in everyday police work. The old common law custom persisted that when a crime occurred citizens were to raise a "hue and cry" to alert their neighbors, and were expected to pursue the criminals 'from town to town, and from county to county.'" , citing R. Burn, 2 *The Justice of the Peace and Parish Officer* 16-20 (London 1755); F. Maitland, *The Constitutional History of England* 276-77 (1968) (1st ed. Cambridge 1908). [Online copy](#)
- Joyce Lee Malcolm, *The Role of the Militia in the Development of the Englishman's Right to be Armed — Clarifying the Legacy*, *J. Firearms & Pub. Pol'y* 139-151 (1993). [Online copy](#)
- Brian C. Brook, *Federalizing the First Responders to Acts of Terrorism via the Militia Clauses*, 54 *Duke L. J.* 999 (2005) [Online copy](#)
- Stephen P. Halbrook, *The Right of the People or the Power of the State: Bearing Arms, Arming Militias, and the Second Amendment*, *Valparaiso Law Review*, vol. 26, number 1, page 131 (1991). [Online copy of version shortened by author](#)
- William E. Nelson, *The Eighteenth-Century Background of John Marshall's Constitutional Jurisprudence*, 76 *Mich. L. Rev.* 893 (1978), ch. 23, 23. "The Jury and Consensus Government in Mid-Eighteenth-Century America".
- Akhil Reed Amar, *Second Thoughts: What the right to bear arms really means*, *The New Republic*, July 12, 1999 issue. "Like the militia, the jury was a local body countering imperial power--summoned by the government but standing outside it, representing the people, collectively. Like jury service, militia participation was both a right and a duty of qualified voters who were regularly summoned to discharge their public obligations. Like the jury, the militia was composed of amateurs arrayed against, and designed to check, permanent and professional government officials (judges and prosecutors, in the case of the jury; a standing army in the case of the militia). Like the jury, the militia embodied collective political action rather than private pursuits."
- Don B. Kates, Jr., *Handgun Prohibition and the Original Meaning of the Second Amendment*, 82 *Mich. L. Rev.* 204, 267-68 (1983). Reprinted as monograph [ISBN 0911475249](#).
- Stephen P. Halbrook, *That Every Man Be Armed: The Evolution of a Constitutional Right*, Independent Institute (March 1, 1994) [ISBN 0945999380](#).
- Stephen P. Halbrook, *A Right to Bear Arms: State and Federal Bills of Rights and Constitutional Guarantees*, Greenwood Press [ISBN 0313265399](#).
- Stephen P. Halbrook, *Swiss and the NAZIs: How the Alpine Republic Survived in the Shadow of the Third Reich*, Casemate (May 2006) [ISBN 1932033424](#). Revised version of *Target*

- Switzerland*, Da Capo (December 1, 2003) [ISBN 0306813254](#).
- Stephen P. Halbrook, *Tench Coxe and the right to keep and bear arms, 1787-1823*, William & Mary School of Law] (1999) ASIN B0006RSW6G.
 - David B. Kopel, *Supreme Court Gun Cases*, Bloomfield Press (September 2, 2003) [ISBN 1889632058](#).
 - Larry Pratt, *Safeguarding Liberty: The Constitution and Citizens Militias*, Legacy Communications (May 1, 1995) [ISBN 188069218X](#).
 - Larry Pratt & Morgan Norval, *The Militia in Twentieth Century America: A Symposium*, Gun Owners Foundation (June 1985) [ISBN 0317197959](#).
 - Clayton E. Cramer, *For the Defense of Themselves and the State: The Original Intent and Judicial Interpretation of the Right to Keep and Bear Arms*, Praeger Publishers (May 30, 1994) [ISBN 0275949133](#).
 - U.S. Department of Justice, *Statement on the Second Amendment to the United States Constitution*, August 24, 2004. "the Militia Clauses, along with the structure of the Bill of Rights and the preface of the Second Amendment, all support the personal, individual right to keep and bear arms that the Amendment's operative text sets out."
 - Mack Tanner, "Extreme Prejudice," *Reason Magazine*, July 1995, 43-50. Discusses purposes of constitutional militia movement, without explicitly using "constitutional".
 - H. Richard Uviller, H. Richard Uviller, & William G. Merkel, *The Militia and the Right to Arms, or, How the Second Amendment Fell Silent*, Duke University Press (January 2002) [ISBN 0822330172](#).
 - William H. Riker, *Soldiers of the States* (1979) Describes how Congress created the National Guard to replace the previous state militia systems. The basic equipment the colonies expected militiamen to provide depended upon their service: infantrymen brought muskets with powder and shot, while cavalrymen brought their own horses and sabers, at 12.
 - Keith A. Ehrman & Dennis A. Henigan, *The Second Amendment in the Twentieth Century: Have You Seen Your Militia Lately?*, 15 *U. Dayton L. Rev.* 5, 8 (1989). At 15 describes the colonial view that standing armies were acceptable only under extraordinary circumstances.
 - Ralph J. Rohner, *The Right to Bear Arms: A Phenomenon of Constitutional History*, 16 *Cath. U. L. Rev.* 53, 56-57 (1966). Notes that the drafters of the Constitution would be unlikely to vote for any provisions likely to create a large professional army.
 - Akhil R. Amar, *The Bill of Rights as a Constitution*, 100 *Yale L.J.* 1131, 1168 (1991).
 - Saul Cornell, *A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America*, Oxford University Press, USA (June 14, 2006) [ISBN 0195147863](#). Argues that the Founders understood the right to bear arms as neither an individual nor a collective right, but as a civic right--an obligation citizens owed to the state to arm themselves so that they could participate in a well regulated militia.
 - Gary Hart, *Minuteman: Restoring an Army of the People*, Diane Pub Co (January 1, 1998). [ISBN 075676811X](#). Without mentioning the movement, the former senator and presidential candidate, 12 years on the Senate Armed Services Committee, proposed a return to something like the traditional militia system, replacing the Cold War military with a smaller standing army and a much larger, well-trained citizen reserve -- an "army of the people."
 - William McCullough, *Minuteman Activist: To Promote the General Welfare*, Rutledge Books (September 2001) [ISBN 1582441723](#). Former colonel tells how his innovative ideas for resolving problems connected with public safety produced a high level of cooperation.
 - Jim Gilchrist, Jerome R. Corsi, *Minutemen: The Battle to Secure America's Borders*, World Ahead Publishing; 1 edition (July 25, 2006). [ISBN 0977898415](#). Foreword by Rep. Tom Tancredo. Argues for militia to defend borders from illegal entry, which is seen as presenting the threats of crime, terrorism, and narcotics trafficking.
 - Paul Williams, *The Day of Islam: The Annihilation of America and the Western World*, Prometheus Books (May 22, 2007) [ISBN 1591025087](#). Presents information from intelligence

sources on the threat of nuclear terrorism, and how existing defense measures are inadequate to prevent it.

- *Nuclear Terrorism*, by Library of Congress Congressional Research Service (Corporate Author), Jonathan E. Medalia (Editor), Richard Baker (Editor), Rensselaer W. Lee (Editor), Carl E. Behrens (Editor), Nova Science Publishers (January 2003). [ISBN 1590335899](#).
- Sanford Levinson, The Embarrassing Second Amendment, 99 *Yale L. J.* 637, 656-57 (1989).
- John R. Galvin, *The Minute Men: The First Fight: Myths and Realities of the American Revolution*, Potomac Books Inc.; Rev Ed edition (November 15, 2006) [ISBN 1597970700](#).
- *First to Arrive: State and Local Responses to Terrorism* (BCSIA Studies in International Security), by Juliette N. Kayyem (Editor), Robyn L. Pangi (Editor). The MIT Press (September 28, 2003) [ISBN 0262611953](#). Focus on local response to terrorist attack, including by trained "volunteers", without using the word "militia".
- John K. Mahon, *History of the Militia and the National Guard*, Macmillan, (1983); *The American Militia: Decade of Decision, 1789-1800*, University of Florida Press (1960). [ISBN 0029197503](#).
- C. Edward Skeen, *Citizen Soldiers in the War of 1812*, University Press of Kentucky (September 15, 2007) [ISBN 0813120896](#). How U.S. relied on militia in the first war it declared.
- Mary Ellen Rowe, *Bulwark of the Republic: The American Militia in Antebellum West*, Praeger Publishers (September 30, 2003) [ISBN 0313324107](#). Argues that the antebellum militia should be seen as a social and political institution, rather than a military one, and contends that it is a key to understanding the political and social values of early 19th century America.
- R. Burn, 2 *The Justice of the Peace and Parish Officer* 16-20 (London 1755).
- F. Maitland, *The Constitutional History of England* 276-77 (1968) (1st ed. Cambridge 1908).
- Edwin Vieira, J.D., Ph.D., *Constitutional Homeland Security: A Call for Americans to Revitalize the Militia of the Several States*, Volume I, The Nation in Arms, Vision Forum Ministries (2007) [ISBN 0967175925](#).
- Edwin Vieira, J.D., Ph.D., *How to Dethrone the Imperial Judiciary*, Vision Forum Ministries (August 2004) [ISBN 0975526413](#).
- Roger Roots, Are Cops Constitutional?, *Seton Hall Constitutional L.J.* 2001, 685. [Online copy](#)
- [Richard Henry Lee](#) and/or [Melancton Smith](#), Letters from the Federal Farmer to the Republican, [Letter 3, Oct. 10, 1787](#), [Letter 18, Jan. 25, 1788](#)
- James Madison, Debates in the Federal Convention, from [Jonathan Elliot](#), *Debates*, [August 19, 1787](#)
- Virginia Ratifying Convention, from Jonathan Elliot, *Debates*, 1836. [June 16, 1788](#)
- U.S. Department of Justice, Statement on the Second Amendment to the United States Constitution, August 24, 2004. "the Militia Clauses, along with the structure of the Bill of Rights and the preface of the Second Amendment, all support the personal, individual right to keep and bear arms that the Amendment's operative text sets out."
- [Andrew Napolitano](#), *The Constitution in Exile: How the Federal Government Has Seized Power by Rewriting the Supreme Law of the Land*, Thomas Nelson (March 20, 2007) [ISBN 1595550704](#). Discusses some of the problems also cited by movement activists.
- [Andrew Napolitano](#), *Constitutional Chaos: What Happens When the Government Breaks Its Own Laws*, Thomas Nelson (February 7, 2006) [ISBN 1595550402](#). Discusses some of the problems also cited by movement activists.
- Robert Dowd, The Right to Arms: Does the Constitution or the Predilection of Judges Reign?, 36 *Okla. L. Rev.* 65, 69 (1983). Discusses one of the issues activists complain about.
- Akhil Reed Amar, Second Thoughts: What the right to bear arms really means, *The New*

Republic, July 12, 1999 issue. "Like the militia, the jury was a local body countering imperial power--summoned by the government but standing outside it, representing the people, collectively. Like jury service, militia participation was both a right and a duty of qualified voters who were regularly summoned to discharge their public obligations. Like the jury, the militia was composed of amateurs arrayed against, and designed to check, permanent and professional government officials (judges and prosecutors, in the case of the jury; a standing army in the case of the militia). Like the jury, the militia embodied collective political action rather than private pursuits."

- Mack Tanner, "[Extreme Prejudice](#)," *Reason Magazine*, July 1995, 43-50
- Andrew Fletcher, *A Discourse of Government with Relation to Militias*, (1698). [Online copy](#)
- [Project Megiddo](#) FBI report.
- [Militias: Initiating Contact](#), by James E. Duffy and Alan C. Brantley, M.A.
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