



**Montana Has It Right On Second Amendment**  
**by Chuck Baldwin**  
**March 3, 2009**

According to ABC News (Feb. 25, 2009), "The Obama administration will seek to reinstate the assault weapons ban that expired in 2004 during the Bush administration, Attorney General Eric Holder said today.

"As President Obama indicated during the campaign, there are just a few gun-related changes that we would like to make, and among them would be to reinstitute the ban on the sale of assault weapons,' Holder told reporters."

Holder also said that President Obama would seek to make the assault weapons ban permanent, close the "gun show loophole," and ban "cop-killer" bullets.

At this point, I believe it is incumbent on me to say that both Eric Holder and Barack Obama have made a career out of doing everything in their power to strip the American people of their right to keep and bear arms. Even under the rubric of the abovementioned "few gun-related changes," there is the potential for widespread assault against our Second Amendment.

For example, the so-called "assault weapons" ban is as phony as the Bush-Obama stimulus spending bills--and just as fraudulent. A semi-automatic rifle, which is incapable of automatic fire, is not an "assault weapon." By definition, an assault weapon must be capable of fully automatic fire. A civilian AR-15-style rifle--in any configuration--is functionally identical to any semi-automatic hunting rifle. In fact, many hunters commonly use AR-15-style rifles for all types of hunting, both predator and big game. The term "assault weapon" is simply a dangerous-sounding moniker that makes it easy for a compliant media to intimidate the public and public officials into passing a ban against semi-automatic rifles.

Furthermore, does anyone believe that if Obama and Holder were successful in outlawing semi-automatic rifles, pump and bolt-action rifles would not also be targeted? Get real! I well remember gun control zealots during the Clinton years railing against bolt-action rifles, calling them "sniper" rifles. And once rifles are outlawed, how long would it be before handguns and shotguns would fall victim to a similar fate? As always, the issue for these people is not what type of firearm it is; the issue is the infringement of the right of the people to keep and bear arms--any arms.

Of course, the "gun show loophole" is nothing more than the prohibition against private citizens selling and trading their own personal firearms. I would like to remind the Obamas and Holders of this country that liberty is not a "loophole."

In the beginning, the private sale and trading of firearms was almost exclusively the purpose for which gun shows were started. Today, commercial firearms dealers dominate gun shows, but it is still a convenient marketplace for citizens to buy and trade guns. This is a freedom and right that is as old as the country itself. Shoot (pun intended)! I remember when we were free to buy guns from a Sears & Roebuck catalog.

And as to banning "cop-killer" bullets, what bullet is not capable of killing? Any bullet that is not capable of killing a good guy is not capable of killing a bad guy (be it two-legged or four). This is just another

approach to the same goal: the infringement of the right to keep and bear arms. Obviously, any gun without a bullet is pretty much useless.

The Democrats went down this road in 1994. Are they really willing to go down the same road again? It looks like they are.

It was largely an aggressive gun control agenda that caused the Republicans to sweep both houses of Congress in 1994 and render Bill Clinton without a majority in either chamber. It was also an aggressive gun control agenda that caused Al Gore to lose the Presidential election in 2000. Even Bill Clinton publicly acknowledged that fact.

All of that said, however, the underlying reality is that it is the individual States that must ultimately be guardians of the Second Amendment (and the rest of the Bill of Rights, of course). States must be willing to resist any and all efforts by the central government to intrude upon their independence, sovereignty, and liberties. If this was not the case, why did the individual States not dissolve after the federal government was created by the adoption of the U.S. Constitution in 1787? Why? Because the States were deemed to be superior entities. Superior in assignment. Superior in responsibility. Superior in nature. Superior in scope.

As James Madison said in the Federalist Papers, No. 45, "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

Therefore, when the federal government begins to intrude upon the rights and liberties of the people, it is the responsibility of the States to resist. Obviously, the way the federal government tries to keep States in subjection is through bribery: by threatening to deny federal tax dollars unless States comply with their despotic machinations. And, sadly, most States have succumbed to this menacing temptation for far, far too long.

The good news is that States are finally beginning to fight back.

According to World Net Daily, "So far, eight states have introduced resolutions declaring state sovereignty under the Ninth and Tenth Amendment to the Constitution, including Arizona, Hawaii, Montana, Michigan, Missouri, New Hampshire, Oklahoma and Washington.

"Analysts expect that in addition, another 20 states may see similar measures introduced this year, including Alaska, Alabama, Arkansas, California, Colorado, Georgia, Idaho, Indiana, Kansas, Nevada, Maine and Pennsylvania."

Pertaining specifically to the Second Amendment, the State of Montana, in particular, seems to have it all together. In anticipation of the recent Heller Supreme Court decision, a host of Montana's senators and representatives--along with its Secretary of State-- proposed a resolution stating "that any 'collective rights' holding in D.C. v. Heller will violate Montana's compact with the United States, the contract by which Montana entered the Union in 1889."

The Montana resolution recalls, "When Montana entered into statehood and adopted the Compact as a part of the Montana Constitution in 1889, included was a provision guaranteeing the right to bear arms to 'any person.'"

The resolution continues, "To be clear, the wording of the right to bear arms reservation in the Montana constitution is exactly the same today as it was in 1884."

Furthermore, the Montana resolution says, "There is no question that the contract into which Montana entered for statehood was predicated upon an understanding that the people of Montana would benefit from an individual and personal right to bear arms, protected from governmental interference by both the federal and Montana constitutions. That was the clear intent of the parties to the contract."

The resolution ended by stating sternly, "A collective rights holding in Heller would not only open the Pandora's box of unilaterally morphing contracts, it would also poise Montana to claim appropriate and historically entrenched remedies for contract violation."

In other words, representatives and senators in the State of Montana unequivocally put Washington, D.C., on notice that it would not tolerate the infringement of its citizens' right to keep and bear arms. I don't think I'm reading anything into the resolution by assuming that they were implying that they would secede before they let the federal government trample their Second Amendment liberties. (Plus, I've just been told that New Hampshire may also be preparing to propose such a resolution.)

Montana has it exactly right!

Now it is time for every State legislative body in America that believes in the Second Amendment to step up to the plate and let Barack Obama, Eric Holder, and the rest of these gun-grabbing socialists know that they will not tolerate even one more attempt to infringe upon the right to keep and bear arms--and that includes any so-called "assault weapons" ban.

And let's never forget that the purpose of the Second Amendment was not to ensure the rights of hunters, but of citizens to protect themselves--and their States--against the tyrannical tendencies of their own government.

P.S. If anyone wants to see firsthand testimony regarding the importance of the Second Amendment, I encourage him or her to watch this testimony given before Congress not long ago:

<http://video.google.com/videoplay?docid=-4069761537893819675>

\*If you appreciate this column and want to help me distribute these editorial opinions to an ever-growing audience, donations may now be made by credit card, check, or Money Order. Use this link:

<http://www.chuckbaldwinlive.com/donate.php>

© Chuck Baldwin

This column is archived as [http://www.chuckbaldwinlive.com/c2009/cbarchive\\_20090303.html](http://www.chuckbaldwinlive.com/c2009/cbarchive_20090303.html)

---

[2009 Columns](#)

[Home Page](#)