

# Baptists and the Second Amendment

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## Baptists and the Second Amendment

In the article on Separate Baptists, we spoke of the First Amendment. But the Second Amendment requires some discussion as well. It is just as important as the First. There is a great deal of argument about the Second Amendment in general and about the phrase “*well regulated militia*” in particular. Does this phrase mean drill and training of the men of the militia, or might it mean a militia, which is under strict constitutional control by law? I have long believed the word regulated is derived from the War of the Regulation, which took place in North Carolina in 1771. It has almost been forgotten. It had only one battle, the battle of Alamance, which took place in Alamance County just south of Burlington and Greensboro on May 16, 1771. There 2000 unprepared Regulators fought a pitched battle with 1300 militiamen of Governor William Tryon and lost. Nine men were killed on each side. One captured Regulator was executed on the spot. The writing of William Edwards Fitch, Elder Henry Sheets, and William S. Powell describe the Regulators and Tryon’s barbarous treatment of them in detail. Tryon’s Chief Justice ordered that six of the captured Regulators, including Captain Benjamin Merrell, should be hung, cut down while still alive, disemboweled, bowels burned before their faces, beheaded, and drawn and quartered.<sup>1[1]</sup> I believe, as Fitch has said, that this battle was in fact the first battle of the Revolution.

The Regulators of North Carolina were poor back country frontiersmen, mostly Baptists and some Quakers, who had many legitimate grievances against the royal government of William Tryon, for whom Tryon, NC is named. He ruled from “Tryon’s Palace” in New Bern, which was then the capitol, and was responsible for administration of the State Church of the Colony, the Episcopal Church. That many Regulators were Baptist is seen

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1[1] <http://www.tamu.edu/ccbn/dewitt/mcksmerrframe.htm> Fitch, William Edwards, Neglected History of North Carolina (New York, NY, 1905) pp.206-232.

in Elder Henry Sheets' book.<sup>2</sup>[2] There was about a 10 to 1 proportionate advantage in legislative representation for the Coastal counties, mostly Episcopal and much wealthier, as compared to the Piedmont frontier counties. In addition, the frontiersmen were excessively taxed and were charged exorbitant fees by public officials. About half of the taxes collected were embezzled by the sheriffs.<sup>3</sup>[3] Furthermore, the Proclamation of 1763 prohibited hunting and trapping west of the continental divide in Virginia and west of Tryon in North Carolina.<sup>4</sup>[4] It was William Tryon himself who set the so called Indian Boundary so far east of the continental divide in North Carolina. This limit on hunting and trapping made money scarce among the back country folk and interfered with their payment of the excessive taxes and quit rents. These quit rents were equivalent to modern property taxes and were paid to the King. Many times the sheriffs sold the land and even personal possessions, *down to clothing*, of the Regulators at auction to satisfy tax bills.<sup>5</sup>[5] The coastal planters were able to use paper certificates for stored lumber and tobacco as a medium of exchange and had a much easier time of it.

In the Declaration of Independence, there is a bill of particulars, 18 items, against the King. Many of these particulars are related

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<sup>2</sup>[2] <http://www.tamu.edu/ccbn/dewitt/mckstmerrframe.htm> Sheets, Elder Henry, A History of the Liberty Baptist Association (Raleigh, Edwards and Broughton Co., 1907).

<sup>3</sup>[3] Lumpkin, William L., Baptist Foundations in the South, (Nashville, Broadman Press, 1961) pp. 72-86.

<sup>4</sup>[4] De Vorse, Louis, The Indian Boundary in the Southern Colonies, 1763-1775, (Chapel Hill, University of North Carolina Press, 1966) pp. 28-31, 96, 97, 108, 109.

<sup>5</sup>[5] <http://www.tamu.edu/ccbn/dewitt/mcksmerrframe.htm> Fitch, William Edwards, Neglected History of North Carolina (New York, NY, 1905).

directly to the maladministration of governance in North Carolina and South Carolina and Virginia. The 7<sup>th</sup> item comes from the Proclamation of 1763. And we recall the statement: “He has sent hither swarms of officers to harass our people and eat out their substance,” and “He has kept among us, in times of peace, standing armies, without the consent of our legislatures,” and “He has affected to render the military independent of, and superior to, the civil power.” So the authors of the Declaration and of the Constitution and Bill of Rights were acutely aware of the problems in the South, as well as in Boston. They were aware because the Baptist Regulators, who were poorly armed and had no officers, lost the battle of Alamance and were hounded and scattered from North Carolina. They went to Virginia and South Carolina and especially to what is now Tennessee. Many of those Baptists who went to Virginia became neighbors and friends of Jefferson and Madison and Patrick Henry.<sup>6[6]</sup> Jefferson had relatives who were Baptists and visited their churches. He said that their churches exercised the purest form of democracy he had ever seen.

So the Regulators were simply attempting to regulate the behavior of the colonial government of North Carolina and to *regulate* the *unregulated, select* militia of Governor Tryon. The principle is control of the military by the *entire* civilian population, to put it in today’s terms. Tryon’s militia was drawn from middle to upper class households and were predominately Presbyterian and Episcopalian. Of his troops, 199 of 1300 were officers. All these had been appointed by Tryon; 8 were Generals, 7 Colonels. One officer, Edmund Fanning, was a graduate of Yale. Six were members of the council, the upper house of the legislature, and 18 were members of the assembly, or lower house. Many others held government posts. Elections to the assembly were controlled by the sheriffs appointed by Tryon, and only influential men were likely to be elected.<sup>7[7]</sup> Thus a militia force which was indeed select and

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<sup>6[6]</sup> Lumpkin, op. cit., pp. 87-120.

<sup>7[7]</sup> <http://www.tamu.edu/ccbn/dewitt/mckstmerreg3.htm> Powell, William S., The War of the Regulation and The Battle of

under control of the Governor and legislature made unjust war on the frontier constituents of the colonial government, decreeing in the absence of a First Amendment that assembly for demanding redress of grievances was treason.

The Regulators were mostly Baptist with a few Quakers (Madison married a Quaker) and some of no religious affiliation and were low in wealth and social standing. Tryon's select militia had a vested interest in putting down impertinent and troublesome backwoodsmen who would no longer meekly bow to their tyranny. Unfortunately, the Regulators were not properly armed nor led, having as yet no First or Second Amendment. It is clear that the founding fathers were opposed to both standing armies and to select, and unregulated, militia, and that they believed that the right to keep and bear arms extended to all, of whatever religious or political persuasion. They considered the militia to be the entire able bodied population. They remembered the War of the Regulation. Indeed, the news of Alamance had reached all the colonies.

George Mason of Virginia is a good example of the thinking of the founding fathers. Born in Fairfax County into the planter aristocracy and privately educated, he knew well the law and the classics. In 1758, he built Gunston Hall on the Potomac, one of the grandest mansions in a state of great houses. In 1759, he was elected to the Virginia House of Burgesses and served at the Virginia Convention, which, in July 1775, armed the colony for the struggle with Great Britain. At the state's constitutional convention of 1776, he drafted the Virginia Declaration of Rights, forerunner of the Bill of Rights. He was a delegate to the federal Constitutional Convention in Philadelphia in 1787 and helped to write the Constitution. Like John Leland and James Madison, he

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Alamance, May 16, 1771 (Raleigh, Division of Archives and History, North Carolina Department of Cultural Resources, 1975).

did not trust its centralization of power and its failure to include a bill of rights, and he refused to sign it. He continued steadfast in opposition to what he regarded as the document's weaknesses and had the satisfaction of seeing the first ten amendments, based on his Virginia Declaration of Rights, added to the Constitution in 1791. Mason's Virginia Declaration read: "That the people have a right to keep and bear arms; that a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, are dangerous to liberty, and therefore ought to be avoided as far as the circumstances and protection of the community will admit; and that, in all cases, the military should be under strict subordination to, and governed by, the civil power." Notice the presence of the phrase, *well-regulated militia*, which later found its way into the Second Amendment to the Constitution. Mason said at the Virginia Convention to ratify: "I ask, who are the militia? They consist now of the whole people, except a few public officers. But I cannot say who will be the militia of the future day. If that paper on the table gets no alteration, the militia of the future may not consist of all classes, high and low, and rich and poor."<sup>8</sup>[8] The paper on the table was of course the Constitution before addition of a Bill of Rights. That statement directly reflects the North Carolina experience in the War of the Regulation.

Thomas Jefferson wrote to George Washington, 1796: "The constitutions of most of our States assert, that all power is inherent in the people; that they may exercise it by themselves...that it is their right and duty to be at all times armed." James Madison wrote in the Federalist Papers: "The Constitution preserves the advantage of being armed which Americans possess over the people of almost every other nation...where the governments are afraid to trust the people with arms." At the Virginia ratifying convention, in 1788, Patrick Henry said: "O sir, we should have fine times, indeed, if, to punish tyrants, it were only sufficient to assemble the people! Your

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<sup>8</sup>[8] <http://www.guncite.com/gc2ndfqu.html>.

arms, wherewith you could defend yourselves, are gone...Did you ever read of any revolution in a nation...inflicted by those who had no power at all?"

John Leland, the great Virginia Baptist preacher, had 10 objections to the Federal Constitution. The first was: "There is no Bill of Rights, whenever a number of men enter into a state of Society, a number of individual rights must be given up to Society, but there should be a memorial of those not surrendered, otherwise every natural and domestic right becomes alienable, which raises tyranny at once, and this is as necessary in one form of government as in another."9[9] This list of objections was sent to Joseph Spencer, who will be remembered from my article on the Separate Baptists as the man who advised Madison to meet with Leland about the Bill of Rights just before election of the delegates to the Virginia Convention to ratify the Constitution.

The phrase well regulated militia seems to have been peculiarly a Virginia and North Carolina phrase, not seen in other states' versions of the Second Amendment. I believe that phrase in the amendment came about because of Baptist North Carolinians who, after great suffering, fled to Virginia and in the course of their lives there, dedicated to the service of Jesus Christ and to the salvation of so many of their Virginia neighbors, familiarized Jefferson, Madison, Henry, and Mason with the War of the Regulation and the problems with a select militia.10[10]

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9[9] Journal of the American Antiquarian Society, "Elder John Leland," October, 1952, page 187.

10[10] <http://www.guncite.com/journals/dowdesp.html>.  
<http://www.guncite.com/journals/senrpt/senrpt.html>.