

# Settler Colonialism and the Second Amendment

by Roxanne Dunbar-Ortiz

The Anglo-American settlers' violent break from Britain in the late eighteenth century paralleled their search-and-destroy annihilation of Delaware, Cherokee, Muskogee, Seneca, Mohawk, Shawnee, and Miami, during which they slaughtered families without distinction of age or gender, and expanded the boundaries of the thirteen colonies into unceded Native territories.

The program of expansion and the wars against Native American civilization and the agricultural societies of the vast valley of the Ohio River and the Great Lakes region began before the Declaration with the French and Indian War of 1754–63, which was the North American extension of the Seven Years' War between France and Britain in Europe.<sup>1</sup> Britain's victory over France in 1763 led to its domination of world trade, sea power, and colonial holdings for nearly two centuries. In the Treaty of Paris, France ceded Canada and all claims east of the Mississippi to Britain. In the course of that war, Anglo-American settlers intensified their use of counterinsurgent violence, which the Anglo settler elite dubbed "savage wars," against Indigenous peoples' resistance to their incursions into the territories of the Ottawa, Miami, Kickapoo, and the confederations identified with Pontiac's leadership of the Great Lakes region, spreading to the Illinois and Ohio countries. By the end of the war, significant numbers of Anglo settlers had taken Indigenous lands beyond the colonies' boundaries, and land speculation was a road to riches for a fortunate few.

By the early 1770s, terrorism waged by Anglo-American settlers against even Christianized Native communities within the colonies and violent encroachment on those outside the colonial boundaries raged, and illegal speculation in stolen Indian lands was rampant. In the southern colonies especially, farmers who had lost their land in competition with larger, more efficient, slave-worked plantations rushed for Native farmlands over the mountain range. These militant settlers—"rangers"—thus created the framework for the United States to appropriate Native territories and attempt to eradicate Indigenous nations across the continent for the following century. Illegal squatter-settlers, always with practiced Indian killers in the lead, initially depended on colonial militias for support; after the War of Independence they relied on the U.S. military to protect their settlements...

In a book first published in 1876 but written decades earlier, historian Joseph Doddridge (1769–1826), a minister and early settler in the Ohio country, wrote:

"The early settlers on the frontiers of this country were like Arabs of the desert of Africa, in at least two respects; every man was a soldier, and from early in the spring till late in the fall, was almost continually in arms. Their work was often carried on by parties, each one of whom had his rifle and everything else belonging to his wardress. These were deposited in some central place in the field. A sentinel was stationed on the outside of the fence, so that on the least alarm the whole company repaired to their arms, and were ready for combat in a moment."

The Second Amendment thus reflects this dependence on individual armed men, not just in terms of a right to bear arms, but also as a requirement to bear arms, which was crucial to the integrity of the state and the conception of security achieved through a relationship between state and citizen...

Taking land by force was not an accidental or spontaneous project or the work of a few rogue characters. The violent appropriation of Native land by white settlers was seen as an individual right in the Second Amendment of the U.S. Constitution, second only to freedom of speech. Male colonial settlers had long formed militias for the purpose of raiding and razing Indigenous communities and seizing their lands and resources, and the Native communities fought back. Virginia, the first colony, forbade any man to travel unless he was "well armed." A few years later, another law required men to take arms with them to work and to attend church or be fined. In 1658, the colony ordered every settler home to have a functioning firearm, and later even provided government loans for those who could not afford to buy a weapon. Similarly, New England colonial governments made laws such as the 1632 requirement that each person have a functioning firearm plus two pounds of gunpowder and ten pounds of bullets. Householders were fined for missing or defective arms and ammunition. No man was to appear at a public meeting unarmed...

Settler-militias and armed households were institutionalized for the destruction and control of Native peoples, communities, and nations. With the expansion of plantation agriculture, by the late 1600s they were also used as "slave patrols," forming the basis of the U.S. police culture after enslaving people was illegalized. That is the inseparable other half of the settler-colonial reality that is implicit in the Second Amendment...

At the time of U.S. independence, half the population of South Carolina was made up of enslaved Africans, with the other agribusiness colonies having large enslaved populations as well. By the late seventeenth century, onerous slave codes had been developed, which included mandatory slave patrols drawn from the already existing militias.

The wealthy slavers of the Southern colonies, particularly those in Virginia, were most incensed by the British Proclamation following the French and Indian War prohibiting expansion over the Appalachian ridge, since their wealth relied on accessing more and more land as they depleted the soils with intensive monocrop production for the market. They defied the Proclamation, taking survey teams into the Ohio country to map the territory for future settlement, which by definition meant the extension and expansion of slavery. By the time he was in his mid-twenties, George Washington was already a notoriously successful slaver and land speculator in unceded Indian lands.

Washington and the other founders of the United States designed a governmental and economic structure to serve the private property interests of each and all of the primary actors, nearly all of them slavers and land speculators, with the brilliant Alexander Hamilton as the genius of finance. Like the Indian-killing militias that continued and intensified as the United States appropriated more land for slavers, slave patrols grew accordingly