

"I ask, sir, what is the militia? It is the whole people. To disarm the people is the best and most effectual way to enslave them." George Mason—Co-author of the 2nd Amendment

"A militia, when properly formed, are in fact the people themselves..." Richard Henry Lee

"Firearms stand next to importance to the constitution itself. They are the American people's liberty teeth and keystone under independence... from the hour the Pilgrims landed to the present day, events, occurrences and tendencies prove that to ensure peace security and happiness, the rifle and pistol are equally indispensable... the very atmosphere of firearms anywhere restrains evil interference—they deserve a place of honor with all that's good." George Washington

"To preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when you, how to use them." Richard Henry Lee American Statesman, 1788

"The great object is that every man be armed." and "Everyone who is able may have a gun." Patrick Henry American Patriot

"The greatest danger to American freedom is a government that ignores the Constitution."

Thomas Jefferson

Third President of the United States

"There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters."

Noah Webster

American Lexicographer

"The ruling class doesn't care about public safety. Having made it very difficult for States and localities to police themselves, having left ordinary citizens with no choice but to protect themselves as best they can, they now try to take our guns away. In fact they blame us and our guns for crime. This is so wrong that it cannot be an honest mistake."

Malcolm Wallop

former U.S. Sen. (R-WY)



## Notes and Further Reading

<http://thelawdictionary.org/infringement/>

[http://en.wikipedia.org/wiki/Printz\\_v.\\_United\\_States](http://en.wikipedia.org/wiki/Printz_v._United_States)

[LewRockwell.com](http://www.lewrockwell.com)

<http://www.guncite.com/journals/vandhist.html>

<http://www.revolutionary-war-and-beyond.com/2nd-amendment.html>

<http://civilliberty.about.com/od/guncontrol/a/Second-Amendment-History.htm>

<http://www.thetruthaboutguns.com/2012/11/bruce-w-krafft/a-brief-look-at-the-origins-and-history-of-the-second-amendment/>

<http://secondamendmentinfo.com/Journal/index.html>

## 2nd Amendment

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.



Infringement—*The encroachment, breach, or violation of a right, law, regulation, or contract. **The 2nd Amendment shall NOT BE infringed.***

Long overlooked or ignored, the Second Amendment has become the object of some study and much debate. One issue being discussed is whether the Second Amendment recognizes the right of each citizen to keep and bear arms, or whether the right belongs solely to state governments and empowers each state to maintain a military force.

The English republican views on the relationship between arms and democracy profoundly influenced the views of the founding fathers. Both the Federalists, those promoting a strong central government, and the Antifederalists, those believing that liberties including the right of self-rule would be protected best by preservation of local autonomy, agreed that arms and liberty were inextricably linked.

The first discussion in which these views were articulated occurred in the context of Article 1, section 8 of the Constitution concerning the powers of Congress to raise a standing army and its power over the militia.

If the danger of a standing army was to be limited, the militia, which was then under the control of the states, must be available to meet national emergencies until an adequate standing army could be raised. Thus, the national government needed the power to call upon the militia. Conversely, the existence of a militia independent of federal control was deemed necessary as a check on the standing army which Congress was authorized to raise. The States were to be in control of the militia by reason of the power to appoint officers and provide for the actual training. The national government would be in control of the militia only when the militia was called out for national service and, even then, would have to rely on the State appointed officers to execute its orders.

The federal farmer also saw evil in Congress's power to raise an army, despite the two-year limit on money appropriations and the states' control over the militia via the appointment of officers. He understood the need to provide for the common defense but believed an additional check was necessary. He proposed requiring two-thirds consent in Congress before a standing army could be raised or the militia could be pressed into service by the national government. Additionally, the federal farmer argued that a select militia composed of less than all the people ought to be avoided. The farmer argued that, to preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them.

The Revolutionary era and state constitutions illustrate the distrust of the states' power. It should not be surprising that Americans in the midst of a revolution against tyranny would be suspicious of government, particularly when dealing with plans for their own government. As a consequence, most of the state constitutions of the era vested primary governing authority in a popularly elected legislative branch of government, not the executive, and contained a statement for a bill of rights.

In context, providing for the militia, defined at this time as the body of people all bearing arms, appears to be the functional equivalent of providing each individual with the right to bear arms.

With ratification complete and the First Congress assembled, James Madison introduced amendments setting forth what would eventually become the Bill of Rights. The ratification process had produced a call for such a declaration. Madison and Hamilton had argued that ratification must precede amendment and now the time had come to honor the implied promise that amendments would be made. Madison campaigned for a seat in the first Congress on the pledge that he favored amendments.

Madison's notes regarding the introduction of his proposals contain an outline which suggests he should read the amendments and explain that they first relate to private rights. He then instructed himself to explain the deficiencies of the English Declaration of Rights. Among the deficiencies was that the declaration was a mere act of Parliament and that guarantees were not sufficiently broad, namely, no freedom of press or conscience and the restriction of arms to Protestants.

Madison's proposals were referred to a select committee that reported to the House sitting as a committee of the whole. When the proposal left the select committee, it read:

A well regulated Militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms shall not be infringed; but no person religiously scrupulous shall be compelled to bear arms.

In the House, the debate focused on the last clause. The argument was as follows:

Mr. Gerry -- This declaration of rights, I take it, is intended to secure the people against the maladministration of the Government; if we could suppose that, in all cases, the rights of the people would be attended to, the occasion for guards of this kind would be

removed. Now, I am apprehensive that this clause would give an opportunity to the people in power to destroy the Constitution itself. They can declare who are those religiously scrupulous and prevent them from bearing arms.

An amendment to remove the "religiously scrupulous" language failed. Madison yielded to pressure to set forth amendments at the end of the Constitution. Seventeen articles of amendment were sent to the Senate

The Senate streamlined the package by combining some amendments and simplifying others. On the right to bear arms, the Senate omitted the words "composed of the body of the people" and deleted the provision exempting conscientious objectors from service. The Senate rejected language that would have added the words, "for the common defense" as part of the phrase "the right of the people to keep and bear arms (for the common defense) shall not be infringed." Ultimately twelve articles were sent to the states for ratification. The first two failed, but the other ten were ratified. The language of the Second Amendment, as adopted, read:

**A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.**

These views were adopted by the framers, both Federalists and Antifederalists. Neither group trusted government. Both believed the greatest danger to the new republic was tyrannical government and that the ultimate check on tyranny was an armed population. It is beyond dispute that the second amendment right was to serve the same public purpose as advocated by the English theorists. The check on all government, not simply the federal government, was the armed population, the militia. Government would not be accorded the power to create a select militia since such a body would become the government's instrument. The whole of the population would comprise the militia. As the constitutional debates prove, the framers recognized that the common public purpose of preserving freedom would be served by protecting each individual's right to arms, thus empowering the people to resist tyranny and preserve the republic. The intent was not to create a right for other governments, the individual states; it was to preserve the people's right to a *free* state, just as it says.