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Gun Ownership and the Second Amendment

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[Jed McInroe](#) · 2 months ago 🗨

Recently, we have seen much debate on Gun ownership in America after the frequency in public shootings and the like have occurred. The men that penned the constitution could not fathom the type of weapons that are freely open and available to the public. With the right permits, private Citizens can own weapons such as Mini-guns(Think Black-hawk Helicopter) or flame throws. As seen in the Clip (Start at 4:00). As a theme in the course speaks on the written and Unwritten parts of constitutional law, clearly guns have fallen more into the unwritten area. What do you think, given the constitution, what determines or aids us in decided what is okay to own, and what is not. Where and what draws this line? <http://www.youtube.com/watch?v=MQZb8ah16Sg>

Also, with the invention of the 3D Printer where private Citizens can make their own weapons, regardless or law or regulation. This Short Doc does this issue Justice. The above clip is from a documentary titled "Fully Automatic America" <http://www.youtube.com/watch?v=DconsfGsXyA> What will the Law have to say, Will gun law become just as hard to define and put into practice as Internet law?

↑ 2 ↓ · flag

[clinton mathews](#) · 2 months ago 🗨

The words of the 2nd amendment and the intent were, and are, crystal clear. If 'We the People' find the words and intent inadequate or insufficient for today's world, we are free to explore making changes using the process defined in the Constitution. Public opinion does not appear, by any measure, to have reached that point. Long Live the 2nd Amendment!

↑ 10 ↓ · flag

[Chris Waters](#) · 2 months ago 🗨

unfortunately the simplistic view of this statement is not applicable in today's socioeconomic conditions.

↑ -2 ↓ · flag

[clinton mathews](#) · 2 months ago 

Do you have something useful to add or are you merely a sniper?

↑ -8 ↓ · flag

[Chris Waters](#) · 2 months ago 

Clinton,

Since I don't know what "sniper" means in the context that you use it, I will take it as neither negative nor positive. With that being said:

"Intent - the state of mind with which an act is done"

The intent of the second amendment is not crystal clear as the historical "intent" when it was first drafted does not have the same context of today's environment. The constitution is an organic document and the founding fathers knew this. By allowing the constitution to be ratified by the majority "We the people" and removing/disallowing presidential power of defining/altering the constitution, the founding fathers understood that laws of land will not always be applicable to the future needs of the nation hence 27 ratifications to said glorious document.

SECOND AMENDMENT STATES:

"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."

Considering we just finished a wonderful gala with the British Armed Forces prior to gaining our independence, the "historical intent" was for a newly found nation to have the ability to protect themselves, hence; the first part of the second amendment which people like to throw out like *Elliot Spitzer, Anthony Weiner and the most recent Republican House Representative from Florida with a coke habit. (Sarcasm Font)*.

George Washington took any available men, young men and women willing to fight plus the assistance from French military officers to create his merry band of brothers and sisters. I wouldn't quite compare them to the 2014 Starting Five of the Army/Navy/Marines/Air Force and Coast Guards. Fast forward, we won our independence and now the people are contemplating on how to protect themselves from this wonderful occurrence from happening again. Insert a well regulated militia being NECESSARY to the security of a free state. From the historical "intent" you can't separate the first part of the amendment from the second part of the amendment. (Well you can, hence the polite discourse we are having.)

Clinton I must respectfully continue this discourse with you later as I must get back to my 9-5. I look forward to the continued and respectful dialogue.

↑ 9 ↓ · flag

[clinton mathews](#) · 2 months ago 🔒

'Sniper' was not intended as a positive.

Now that you have added useful comment, I add my own. I made (and make) no attempt to separate any part of the time-honored 2nd. The term "militia", at the founding, did not mean the national guard. It meant the general populace. The revolutionaries knew the value of being well armed and knowing how to use their weapons to defeat a superior army. They overthrew a tyrant king and started our great country.

The Constitution is an 'organic' document only in the sense that it may be changed only by a lengthy and very tedious process. That is the truth known to the founders and that is why they made change so difficult. The term 'Organic' is frequently used today by progressives to justify having the Constitution mean whatever they want it to mean at the moment. I totally reject that useage.

Looking forward to further exchange!

↑ 8 ↓ · flag

[Anonymous](#) · 2 months ago 🔒

3D printers are great. Means a person can defend their 2nd Amendment right regardless of what others think.

BTW ... Clinton, your view is 100% in agreement with Scalia's.

↑ 6 ↓ · flag

[Brandon James Shaw Card](#) · 2 months ago 🔒

Clinton, do you support the NRA's rejection of any kind of regulation on gun ownership? Such as background checks to weed out criminals and the mentally ill. National registry to stymie illegal gun sales. Micro-branding bullets to help with forensics.

Based on polling, 91% of "We the People" are for universal background checks (<http://www.washingtonpost.com/blogs/the-fix/wp/2013/04/03/90-percent-of-americans-want-expanded-background-checks-on-guns-why-isnt-this-a-political-slam-dunk/>). S. 649 failed to pass the Democratically controlled Senate 54 - 46. None of the strategies I described above, in any way, infringe on the right of citizens to possess firearms. Yet, the NRA pours the power of their money and "black list" into fighting any sort of regulation on gun sales.

I am a progressive, I believe in the right for sound minded citizens to possess firearms. However, we do have a problem in this country with gun violence. It is much higher, per capita, than any other developed country and most developing countries. I am not for amending the Constitution to inhibit the right to bear arms, but something should be done to mitigate this loss of life. Every single study done, shows that gun owners are more likely to die from gun violence; I think that should be weighed into any decision about what to do with gun rights.

↑ -1 ↓ · flag

Gary Porter Signature Track · 2 months ago 🔗

One aspect of the Constitution I hope we can all agree on is that, as Madison frequently said, it was meant to provide the national government with only limited, enumerated powers. The Supreme Court over these 226 years has grossly expanded the list of what powers are "enumerated," but no where do I see in the Constitution any power given the national government to control (other than the interstate commerce thereof) firearms. Gun ownership control, if it should happen at all, should be purely a state issue. If the people of Illinois, for instance, decide background checks are in order, so be it. So long as whatever they enact comports with the second amendment, they're GTG in my book. The NRA has no choice but to "pour the power of their money" into defeating bills in the Senate and House, those bills should never have been introduced in the first place.

↑ 7 ↓ · flag

Brandon James Shaw Card · 2 months ago 🔗

Gary, the problem with state level gun control is that there are open borders between states. Chicago has some of the strictest gun control in the country, yet guns are everywhere because people can walk outside city limits and buy them without background checks.

↑ 2 ↓ · flag

Gary Porter Signature Track · 2 months ago 🔗

Brandon, Please point me to the Constitution's clause that empowers the national government to control gun ownership. Just because there is a "national" problem does not mean the national government is the proper (or legal) remedy for that problem. It is that thinking that has created a \$17 Trillion behemoth that will shortly bankrupt us (we already are, we just won't admit it.) If you want open borders (and the alternative is frightening), you must accept certain consequences.

↑ 2 ↓ · flag

clinton mathews · 2 months ago 🔗

Gary and Brandon - There are already in place many Fed, State, and Local laws in controlling the types of weaponry available to the public. Some people claim their 2nd rights are already

seriously infringed. The NRA has every right to speak for its members. That's what we call freedom!

Brandon, your unwillingness to consider amending the Constitution while insisting that 'something should be done' seems to contradict the very purpose of the Constitution. Unless you believe the document to be a living, growing, organic thing, free to contract or expand by itself, your comment seems somewhat self-contradictory. Your response?

↑ 2 ↓ · flag

Chris Waters · 2 months ago 🔒

Clinton,

"The Constitution is an 'organic' document only in the sense that it may be changed only by a lengthy and very tedious process. That is the truth known to the founders and that is why they made change so difficult. The term 'Organic' is frequently used today by progressives to justify having the Constitution mean whatever they want it to mean at the moment. I totally reject that usage."

As to the first part of your comment, we are in agreement. To the second part of your agreement, I agree and disagree. I agree to the point that both parties, not just progressives, try to make the Constitution fit what ever idea laces their pockets with more money, however; I also feel that there are some trying to take a historical document and try to conform the original intent to current context and social/political conditions. I don't think the founding fathers foresaw other individuals who have gripes with this nation for whatever reason to become citizens, hurt people and then hide behind our justice system or state born citizens who have issues with local/federal government for whatever reason and take their frustration out on innocent individuals. I am not against the right to protect yourself, I am merely trying to make the point that because of the historical climate, our founding forefathers were more concerned about protecting themselves from the British rule which they fled from and the indigenous natives of the land for which our founding fathers inadvertently invaded. We literally came here from Great Britain and said "@\$#& yo couch N*&^%!" (Dave Chappelle show reference)

I just don't think you can apply historical intent to our current climate because of the additional complexities of the modern world nor could the authors of the constitution foresee what the nation would turn into, hence it still takes majority rule to ratify said document.

"I made (and make) no attempt to separate any part of the time-honored 2nd. The term 'militia', at the founding, did not mean the national guard. It meant the general populace." But there is an element that I disagree with "General Populace." At the time, the young men, men and women (who hid their appearances) were the "well regulated militia of the free state" In context, they were the national guard of their time. But as time evolved, the general populace had relegated the duties of protection of the free state to some form of law enforcement

agencies and thus minimizing the need of a state supported/needed militia. (This is implying a transition through time, not immediately). I am aware that certain states still maintain a militia, but if you look at the historical context, I don't think you would say the general populace is protecting the free state of California, Florida, Washington, Maine etc. I think it would be fair to say that the general populace of said states or other states in general have acquiesced the need of a militia for the reliance of local/state/federal law enforcement/military enforcement for protection of said free state and nation.

"If 'We the People' find the words and intent inadequate or insufficient for today's world, we are free to explore making changes using the process defined in the Constitution. Public opinion does not appear, by any measure, to have reached that point. Long Live the 2nd Amendment!"

I am not arguing the "right to bear arms", my side of this discussion is the intent of the need/right is no longer there. My personal leaning is that it needs to be amended to some degree. Firearms are a staple of our culture, it is an Olympic Sport for "Holy Dirty Underwear Batman" sakes, but the continued unfortunate tragedies of innocent individuals by the hands of troubled people have the general populace and in my opinion the majority of the general populace continuing this debate. Unfortunately, our current democratic culture is highly influenced by capitalism, which makes sound resolutions and suggestions to fundamental problems hard to address even if the resounding majority would like to affect change.

Respectfully your conversational sparring partner!

↑ 0 ↓ · flag

Anonymous · 2 months ago 

This is by far the dumbest thread, since the two NRA members like to argue straw men. Brandon never said anything about "the Constitution's clause that empowers the national government to control gun ownership.", and "clinton" knows full well from the previous postings that the NRA pours so much money into using the Second Amendment to justify being able to own semis that right now it's impossible to amend anything in the Constitution that has to do with gun rights, much less heavily amend that 2nd Amendment.

You really, really have to have a talent for cognitive dissonance to think that whatever Madison wrote in 1789 about the "right to bear arms" meant what the gun lobby insists that it means in 2014. Madison and the other Founding Fathers probably would've plainly outlawed civilian possession of all of those precious firearms that exist today, if they had existed back then because they wouldn't want their own people killing each other (which is what happens today).

Put yourself in the mind frame of that time period. You needed a gun because you were under

threats from overseas and at home (the British, any other Old World countries that might've been a threat, like the Spaniards, and Native Americans); you also might've needed a gun to hunt. Stabilization and development of a country that was a former colony required that you needed to be given the right to be able to pick up a rifle to defend your new, unstable lands/properties from those invaders.

But then things start to stabilize over time. Not all men can or will need to fight new battles (including the internal one that comes up in the 1860's), and the country has a federal military that can defend the country and its countrymen who can't fight/are busy making the country grow and strengthening its laws and economy (trade, etc.). Jackson saw to it that the Indians started to become less and less of a threat until any actual threat eventually became extinct. Diplomacy, alliances and treaties rid most of the enemy threats along the way too, as the world started to acknowledge your country as a sovereign nation/a friend that could help economically or with military assistance; and the only time we've ever been hit with actual military strikes on American soil from a foreign invader intent on domination was by Japan at Pearl Harbor/WWII; the threat from Britain, France and Spain died out long beforehand. Industrialization and mass production brought great changes to the country over time as well, and very few people *need* to hunt for food/hunting in general is now reduced to sport/entertainment.

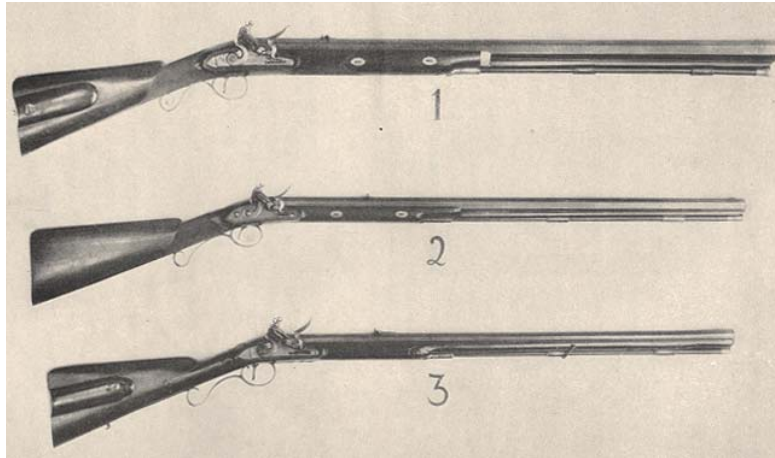
Our way of life has changed a lot in the past 225 years. No one would need to think that their neighbor is a threat you need to possess a firearm for it weren't for the gun nuts at the NRA feeding such a fear. Our neighbors are no longer "savage Indians" who're pissed that the strange foreign white guy's overrunning earth's lands, nor are they our former pissed off monarchs who put us out here to suck us dry via taxation/threat of military occupation. We have a separate military force (and police forces) who are there to protect us from foreign invasion. Do you really, honestly think that in today's era of warfare your piddly little gun--pr even your arsenal, if you have one--is going to save you from the actual threats that can happen? Are you going to be cuddling your 9mm while Kim Jong-un drops a nuclear weapon on your head? Because your gun is, and will be, useless against the kind of attack that is possible *now*, in our time *now*, that is comparable to the kind of attacks that our early colonists were susceptible to.

All of the "threats" that the NRA and gun nuts cry about are manufactured and are self-fulfilling prophecies. If guns weren't made so readily available to anyone thanks to the Second Amendment, then you wouldn't *have* the fear of a possible threat from criminals. If no one but those sworn to protect us had guns, we wouldn't see the kinds of messes like Columbine, Sandy Hook, or any number of b.s. shoot outs by common citizens (and because of fear and stupidity, we also had the Zimmerman case in Florida).

We are supposed to be a strong, unified nation, an example to the world of how a bunch of small colonies broke off from their royal oppressors and made it to become a country of their own whose government and people are something to strive towards emulating. Instead, we're a laughing stock re: guns because we're so fixated in preserving the illusion that our 225 year-old Bill of Rights justifies our right to own/possess something like:



when the only existent concept that was in their heads at the time of creation/writing was (at best, for the "bearing arms" part of the Second Amendment):



Give me a break. Give us all a break.

↑ 5 ↓ · flag

Gary Porter Signature Track · 2 months ago

Dear "Anonymous",

I'll be glad to give you a break once you identify the clause in the Constitution that provided Congress (or any branch) with an enumerated power to control gun ownership. Lacking such a clause, the only constitutional remedy is to amend the Constitution to include such. Or, let's take the view of former California Representative Peter Stark, whose view it was that the "The federal government, yes, can do most anything in this country." If the Constitution is not a limit on government, what is it?

↑ 6 ↓ · flag

[rachel vaslowski](#) · 2 months ago 🔗

Like your posts anonymous! Rachel here in FI

↑ 0 ↓ · flag

Anonymous · 2 months ago 🔗

many dont. thanks for your support.

↑ -3 ↓ · flag

[Brandon James Shaw Card](#) · 2 months ago 🔗

Gary, I was speaking pragmatically, not constitutionally. However, you broach a historic argument. The Constitution lays out the phrase "promote the general Welfare" (not my capitalization). It appears twice in the Constitution; once in the preamble, as the professor stated a very important sentence, and again in the taxation clause. We can look at the clause in two ways, a broad interpretation or a narrow interpretation. James Madison, in the Federalist papers argued for a narrow interpretation while Alexander Hamilton argued for a broad interpretation. Most of the debate regarded the allocation of taxes. However, for my interpretation, I look to the broad when a solution must need be a blanket case, such as in gun control when states have open borders, or narrow when it comes to things that are not life threatening.

↑ 2 ↓ · flag

[Brandon James Shaw Card](#) · 2 months ago 🔗

Clinton, I am not at all opposed to amending the Constitution; not sure where you got that idea. Amendments can be for clarity purposes; such as the 14th clarifying the definition of citizens. The deal with the NRA is that they don't represent all of their members. They represent a very few of their members, gun manufacturers. The NRA was very pro gun-control prior to being co-opted by the arms industry. From my above link 74% of NRA members support universal background checks, yet Wayne LaPierre gets up every morning screaming against any sort of regulation. This is because the arms industry makes a ton of money fueling both sides of the arms race.

I actually do not believe the NRA should, not the way current law works, not have the right to speak for its member either. I am a little sore at special interest groups, because they are writing our legislation and not our representatives. Money speaks a lot louder than words. The NRA has money, notably from the arms industry, and legally bribe politicians to do their bidding. So they are not speaking for their membership, they are speaking for their donors.

Our government is run by the plutocracy, exactly what the founding fathers warned about in the Federalist Papers, the elites. That is how a bill with 91% popular support can fail.

↑ 4 ↓ · flag

Anonymous · 2 months ago

I'm an anon who views gun grabbers as law breakers. Obama OTOH says he can grab your gun regardless. Roberts caved once on Obamacare. How safe are we if a conservative on the court passes away in the next 3 years? Obama can just do a recess appointment to the court

↑ -6 ↓ · flag

Anonymous · 2 months ago

if the NRA member s lost the right for their org to represent them that would be a loss of their free speech rights. Citizens United.

↑ -1 ↓ · flag

Anonymous · 2 months ago

so the IRS would never be used to suppress political opponents to the party in power? Abuses of power is what Madison had in mind and I figure the government using Angry Birdsmt to spy on its citizens wouldn't be agreeable to him. m we need guns to protect ourselves from our government. Note that it is the left that wants to disarm the citizenry.

↑ 2 ↓ · flag

Anonymous · 2 months ago

I just love how historical facts are ignored in favor of more debate over vagueries and tangents.

"I'll be glad to give you a break once you identify the clause in the Constitution that provided Congress (or any branch) with an enumerated power to control gun ownership"

How about you tell us how the Second Amendment specifically grants people the right to manufacture, sell, and own something like the Bushmaster? In what interpretation of the English language does

"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."

mean ignoring the first four words of that sentence?

↑ -1 ↓ · flag

Gary Porter Signature Track · 2 months ago 🔗

Brandon,

Even Hamilton, when it came time to vote on funding bills for "internal improvements" (i.e. roads) felt that a constitutional amendment was the proper means, that the roads, while in one vague sense benefitting everyone in the nation, viewed more realistically only benefited the locale where they existed and this did not qualify as General Welfare."

I'm going to have to choose my posts more selectively, I didn't expect this course to clog my inbox so completely.

Gary

↑ 0 ↓ · flag

Gary Porter Signature Track · 2 months ago 🔗

Anonymous,

Let's go back to basics: the 2nd Amendment is not a grant of power, it is a limitation on power and a securing of a basic right. For that reason, people who believe we should just repeal the 2nd Amendment as a way of enabling Congress to enact restrictive laws just don't understand how the Constituion works (or was intended to). Companies have a right to manufacture AR-15s and sell them subject only to (constitutional) restrictions on interstate commerce. To get over your "well regulated Militia" fixation please read the Supreme Court's decisions in Heller v. District of Columbia (2008) and McDonald V. Chicago (2010), where the militia "collective right" was dispensed with.

Gary

↑ 3 ↓ · flag

Brandon James Shaw Card · 2 months ago 🔗

Gary, if you care to respond, I would be interested in your take of a comparison between Interstates and national gun control.

Do you think it a good thing that the Federal government funds interstate maintenance and development? Somewhere to the tune of \$40B/year. This is something that facilitates free trade between the states of the union and helps businesses provide goods cheaper and encourages tourism. States manage law enforcement, construction and traffic patterns, while the Fed helps the states fund the work.

It is exactly the same concept for a universal gun registry. Instead of bolstering economics, it would diminish the cost of lives. It is a national program that state/city law enforcement would

be able to use to help them fight gun crime. It would help limit sales of guns to criminals and sociopaths and, potentially, provide penalties for selling guns without background checks.

↑ 0 ↓ · flag

Gary Porter Signature Track · 2 months ago 🔗

Brandon,

No knowing your age, I'll go out on a limb here and suppose that this was before your time, but the Interstate Highway System was justified during the Eisenhower administration as a national defense measure, not as a public transportation measure (even though we all enjoy it that way). I don't believe the General Welfare clause was invoked at all. So I don't think there is a common root for the two issues within the Constitution.

I'm not sure I see how a national gun registry will diminish the cost of lives. The present NICs background check already limits the sale of guns to felons and those adjudicated to be mentally incompetent. All a national registry will accomplish will be to facilitate the confiscation of guns once the government decides it has the power to do so. But, once again, I must insist that before Congress passes any bill they be required to convince "We the People" that "we" have given them the power, the authority to do so. This is the gist behind House Rule XII which requires all proposed bills cite their constitutional basis, a rule that some Reps honor and some blow off. Former Rep Dennis Kucinich famously cited the Preamble's goal of "ensuring domestic tranquility" as the authority for his proposed "Department of Peace," ignoring the fact that the Preamble is not a grant of power.

We must always remember that what seems good is not always constitutional.

↑ 3 ↓ · flag

Cristian · 2 months ago 🔗

I see above the "General Welfare" clause being used to justify anything that the government can do. That is completely wrong. Then all the enumerated powers as well as 9A are useless. In my opinion the limited number of powers that the federal government has is due to the fact that as a large nation is very hard to agree on a large set of issues, so instead we focus on a few that we can easily agree (defense, external policy, immigration, etc). In my opinion the "Commerce clause" was not necessary meant to be used to ban things or prohibit things, but rather to enable and increase the flow of products and services in the interstate commerce (see the federalist papers on what was the historical issues then and why this clause was added). However today is used to justify everything. According to 10A all other rights are retained by states and people.

↑ 3 ↓ · flag

Cristian · 2 months ago

Brandon,

You make few claims in the thread above.

"Such as background checks to weed out criminals and the mentally ill. National registry to stymie illegal gun sales. Micro-branding bullets to help with forensics.

Based on polling, 91% of "We the People" are for universal background checks"

Let me answer them:

First: background check do not weed out criminals and mentally ill. For facts check the latest shootings where the perpetrator passed all the checks.

National registry - It will server only as a master list when people like you will vote to take them from us. Look at the "war on drugs"; they are completly illegal, but I bet you can get some in less than 30 mins. So, I'm not sure how that will "stymie the illegal gun sales".

Microstamping: if you are familiar with how gun works, you will know that is very easy to fabricate a firing pin. Also, will be really easy to file off the stamp from any locations.

This 91% in favor of UBC: that was debunked really well. Latest Gallup poll show that only 31% want stricter gun laws (<http://www.gallup.com/poll/167135/americans-dissatisfaction-gun-laws-highest-2001.aspx>).

Do you think that using all the above will eliminate the crime? What we see is a trend to create laws that prevent things. That is used only to prosecute people otherwise did nothing wrong, did not hurt anybody. e.g. "Gun Free Zones", bring a gun to school without any mal-intent and feel the full power of the law making you instantly a felon. You did nothing wrong. However, the criminal that want to hurt somebody will care less about the prohibition itself when he is already breaking another law. All these "malum prohibitum" laws are just means to control people that otherwise did nothing wrong. They can selectively be enforced to keep people in line. It used to be that the felonies meant you hurt somebody. Those days are long gone. This only server to decrease the respect of the people for the laws. Once that they get used on breaking these "laws" they can further start breaking others.

↑ 0 ↓ · flag

[+ Comment](#)

Wilma Jeanne Merello · 2 months ago

Hi Jed. Let's keep in mind the exact wording of the second 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." http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html

The general public can surely not be seen as a "well-regulated Militia", and therefore is not necessarily due the same rights to own weapons of mass destruction as might be needed to wage a war against an invading army.

Hunting rifles and shotguns (to provide food for the family) and handguns (to provide protection from home invaders) surely should be enough for the general home-owner. Do you really need a

semi-automatic that can fire a dozen rounds or more in rapid succession without having to reload? Not to mention the high-powered rifles that have been used lately to kill school children and their teachers, or movie-goers, or restaurant diners, etc.

↑ 5 ↓ · flag

Anonymous · 2 months ago

Hi Wilma, I am especially interested in the views of veterans such as yourself. In the first Clip that I have posted the Journalist that is showing everyone around in the gun show is also a former Navy-Seal. This I find very Unique and refined prospective because this individual has gone from ruined societies such as Somalia where it is easier to buy an ak-47 than it is to buy food, to a journalist that is informing us on the edges and margins of society. I think one experience informs the other, just as I think military service informs on this topic. I am of the opinion (personally) that the ubiquitous nature of these types of fire arms is generally a bad trend for the country as a whole. I guess I'm more interested in what actually determines or what informs what people can and cannot have. Its not necessarily talking about AR-15's or banana clips, but weapons like "Mini-guns" or armored cars that are owned by private citizens. It is much more difficult to debate that those are not Military Grade Hardware that is

going to private Citizens.



↑ 0 ↓ · flag

clinton mathews · 2 months ago

Wilma adds a very common viewpoint, but one not in keeping with the historical reasoning for the 2nd. Remember, the founders had just finished a long and arduous war against the tyranny of a foreign king and his government. In addition to protecting their homes and families against the bear at the edge of the woods and the sometimes unfriendly pre-colonial natives, they needed protection against potential tyrannical government.

You ignore completely my point about the potential of amending the Constitution if you are

able to garner the required super-majorities.

↑ 0 ↓ · flag

Gary Porter Signature Track · 2 months ago

Wilma, to the men who wrote the 2nd Amendment, every able-bodied man from 16-60 was considered a part of the "well-regulated militia." Most were required to provide their own weapons and only provided one at government expense if they were unable. Today's National Guard is not the militia they had in mind.

↑ 1 ↓ · flag



Kandace Cole · 2 months ago

The sometimes unfriendly pre-colonial natives? You mean the natives that were here before the European powers, whom civilizations and cultures were destroyed, the people oppressed and enslaved by these same Europeans look to escape from the tyranny of a not-so-foreign king? I find that statement hypocritical and hilarious.

↑ 3 ↓ · flag

Jed McInroe · 2 months ago

Howard Zinn Would be Proud :)

↑ 0 ↓ · flag

Anonymous · 2 months ago

Kandace,

Check out King Phillip's War where the natives tried to wipe out every new arrival to this continent - this is also known as genocide.

from wiki

The war (King Phillip's War) was the single greatest calamity to occur in seventeenth-century Puritan New England. In the space of little more than a year, twelve of the region's towns were destroyed and many more damaged, the colony's economy was all but ruined, and much of its population was killed, including one-tenth of all men available for military service.^{[5][6]} More than half of New England's towns were attacked by Native American warriors.^[7]

I drove up to Jamestown a few years back and stopped at a historical marker. The sign told the story was how the settlers were wiped out to the person by natives - wasn't part of the King Phillip's War. And the natives did this to other natives before europeans arrived on the shores.

↑ 1 ↓ · flag

Anonymous · 2 months ago

Kandace, the racism is getting old. I had peaceful native ancestors that were run off from place to place by violent attacks from other native tribes. It was only the final relocation that had anything to do with white men. I had other native ancestors in another tribe that were a little prone to killing as well, with a long history of it before the white man showed up. That tribe my grandmother did not want to speak of.

↑ 2 ↓ · flag



Alavini Lata · 2 months ago

Like all governed nations, native tribes also engaged in war for resources. Not different from the white wars. Don't minimize native on native killing without regard to the fact that all governments who seek power and resources do the same. Man is a savage beast regardless race.

↑ 1 ↓ · flag

Cristian · 2 months ago

Wilma, is the Bill of rights not the Bill of Needs :). The arrogant superiority of liberal elites shows how much they value and trust their fellow man. To claim that you know more about what another person may need is beyond imagination. It shows clearly the desire to control other people as they seem less capable to make the best decision for themselves. A person that is not trusted with a gun should have no business walking free among us. The reason that our founders wrote this simple amendment and did not add any foot note to it is exactly that: dangerous people should not be free, hence there should not be any limitation from free men to bear arms.

I lived in a communist country before becoming a US citizen. I know what the socialism, communism is about as I've seen it for the first 25 years of my life. I know to easily recognize the words of totalitarianism. You speak those words.

So buzz off and let me live in peace. I don't need your advice on what arms I can bear.

And BTW, read some federalist papers to understand what the militia and "well regulated" means.

Also, educate yourself about what "high powered rifle" means; and no, they were not used very often to kill our children and our fellow citizens.

↑ 2 ↓ · flag

James · 2 months ago

I believe we need to keep this discussion civil. Everyone is entitled to their opinion but they should not let emotion get the better of them. Vitriol and name calling is unseemly, inappropriate and just plain rude.

↑ 1 ↓ · flag



Mark Heyne · 2 months ago

James, at least no one is threatening to shoot anyone! I read of a case last week of some guy got shot in a cinema because he was talking on a cellphone. Now I suppose we might all have felt like that sometime, like "I just can't take it any more!", or " don't push me 'cos I'm close to the edge" but in Britain, with firearms fairly rare, the most would happen is a fist fight. It's the easy access to guns that makes disagreements fatal.

↑ -1 ↓ · flag

Cristian · 2 months ago

@James, Good one. :)

Speech that promote infringing others people rights is hate speech, plain and simple.

Being rude towards promoters of such speech is a must. Calling them for they are (little tyrants) it is the duty of freedom loving people. Telling me what I need and what not is rude and belittling. So, I'm not sure who is rude here. I make no other claim about the other person beyond of what their words mean and how they ring to me. Respect my rights and I will respect you.

Let's be clear, the mere possession of any gun should never be an issue. What you do with it, using it towards any criminal activities, should be punished to the full extent of the law (I prefer hanging for those people).

However, it seems that some people here have an issue with, is the mere possession of "unapproved" hardware. This is wrong at the same level as denying people the right to marry whoever they want, to eat whatever they want, use whatever drugs they want and so on, because you know, they may harm themselves or us. Banning things never worked.

@Mark, so does easy access to knives, baseball bats, etc. So does the fact that I'm more younger and strong then you, so what you going to do, I can bully you anytime. See my point. We focus on gun violence when we should look at the total violence done with any means. Violence is wrong regardless how is committed. The gun at least allows weaker people to defend themselves. As somebody said: "God created people, but Colt made them equal" :) As any other tools, the gun can be used for good or bad. While you can legislate the hardware, you can't legislate evil out of existence, you can only deal with it after it reveals itself. Nothing is safer than a prison cell but that doesn't mean that I would love to live in one.

↑ 4 ↓ · flag

James · 2 months ago

Mark:

Let's hope it never comes to that but if it does it would just reinforce the case for gun control.

Cristian:

I think part of the problem is that a firearm makes it quicker and easier to kill or injure someone than knives, bats, or fists and a gun is harder for most people to defend against. As mentioned

above if some one becomes angry and suddenly shoots you there is not time to get out of the way. If a knife is drawn suddenly the same may be true but many more times it may be deflected with a less deadly result.

↑ -1 ↓ · flag

Gary Porter Signature Track · 2 months ago 🔗

Ah yes Britain, where British soldiers are run down and beheaded in a public street in front of horrified onlookers -- none of which had a gun to stop the carnage. Lovely country, what?

↑ 2 ↓ · flag

Cristian · 2 months ago 🔗

@James,

See, you make the assumption that majority of people will easily take the life of a fellow man. How is that not rude? To claim that we are all just mindless criminals looking for a reason to kill. Again, that is demeaning. How you can reconcile that with your professed love for people, how you want to protect them actually. It a paternalistic attitude (full of love) that we hold towards our children, them being too immature to make the right decisions. That kind of attitude is what rubs the people of the gun the wrong way. Without the desire to be rude, but that is also the view of statistis in general (the state knows better, you're just a bunch of stupid people unable to make the right decisions, so we need to ban all this things that may be bad for you, even tough you did not hurt anyone. Yet.). It is like childproffing a house.

Tell to a woman, or an elderly person how easy is to protect against knife, bats or fist .

Not that I'm a fan of using statistics as they may be misleading, however, among the general population, the concealed carriers have the lowest criminality rate.

↑ 0 ↓ · flag

James · 2 months ago 🔗

I am sorry you misinterpreted what I said. I never said or intimated that the majority of people would use a firearm for the purpose of killing, I used the word *someone*, not everyone. I stand behind my statement that using a gun is faster and easier.

↑ 0 ↓ · flag

Cristian · 2 months ago 🔗

James, sorry to be too fast to judge (I read back your post, you are right). I agree that using a gun is faster end easier. That applies also for good purposes as well for bad purposes. The question certainly is what is the social cost if we go down the disarmament path. I'm still an

idealist and I think that majority of people are rational and and such they will not try to kill anybody. While what you are saying is happening, the statistics show that actually the crime decreased in the last 20 years while the gun possession spiked. I'm not trying to tie the two together, I just want to show that the cry that we are awash in violence is not true, as well as the fact that allowing more people to arm themselves will result in rivers of blood on our streets. When I hear these type of claims I get a little upset as I know that the person spewing them did not do a basic research, but still want to infringe on my rights for no reason. Also something that is missing when people bring up the number of death by guns is that this number is not looked in context. For example:

1. are the number of deaths resulting by other means of violence comparable? (how many are killed by knife, fists and bats)
2. how many of these are self inflicted? (suicides)
3. who are the people involved? (gang members, people that leave outside of the law)
4. what is the cutoff age to consider some as children deaths? (see 18, 19 years old gang members listed as children deaths).

So the fact that the gun can be used easier to bring about violence matters little when the benefits that provides to a vast majority of population is considered. Cases like the one in Florida mentioned in this thread are unfortunate. However they are exception and not the rule. Why do you think that the younger person (and I assume much stronger victim) ignored the requests to stop texting? Maybe because he assumed that is nothing that the old guy can do and as someone said, in a direct fist fight he will be successful. Unfortunately that turned out differently and a person reached their limits. We need to be more polite as a society and respect other people. While you can claim that having a gun allowed a faster escalation, some may make an argument that the disrespect for others escalated the situation too. That is not an excuse and doesn't justify the crime, but just saying. The perpetrator should be judged by a jury of his peers.

↑ 2 ↓ · flag



Mark Heyne · 2 months ago

I think the retired police chief shot the texter when he threw popcorn at him. People have their limits,you know! Stand your ground against hostile popcorn !

↑ 0 ↓ · flag



Mark Heyne · 2 months ago

Gary, i remember at the shooting of Gaby Giffords, also political violence, there were armed people in the crowd who failed to prevent the shooter killing six people.

↑ 0 ↓ · flag



Gregory Walter Chmara · 2 months ago

I live in Tucson and my kids grew up with Gabby. NONE of the civilians in the immediate

vicinity were armed -- the closest being snide the grocery store who ran out after the shooting had been stopped. He briefly held his aim on the man over Gabby, did not fire, because the man was her assistant giving her aid. He credits his training in stopping him from adding to the mayhem.

↑ 0 ↓ · flag

Gary Porter Signature Track · 2 months ago 🔗

Unfortunately, we are forced to make judgements based on only what the media are willing to tell us. As regards the "popcorn" incident, it is my understanding that the popcorn thrower (bigger, stronger) lunged at the retired police chief in a way that seemed threatening to him. It was not a tit-for-tat (I see your popcorn and raise you a 9mm slug).

I go back to my self-governance theme. If popcorn man had understood the concept of self-governance and decided to wait until after the movie to text, and not infringe on the right of others to enjoy the movie, the tragedy would have been averted.

The Founders understood, as I've explained elsewhere, that there must be an element of virtue in the people for non-totalitarian government to work. They spoke and wrote of it often. Virtue, morality, self-control, call it what you will; if that begins to disappear, government will not work.

In 1849, Robert Winthrop put it, somewhat crudely, this way: *"All societies must be governed in some way or other. The less they may have stringent state government, the more they must have individual self-government. The less they rely on public law or physical force, the more they must rely on private moral restraint. Men, in a word, must necessarily be controlled either by a power within them, or by a power without them; either by the Word of God, or by the strong arm of man."* Granted, the speech was tailored to a particular audience (the Massachusetts Bible Society) but the thesis remains: if you want freedom from oppressive government, you must be willing, through whatever motivation, to self-govern.

Is there anyone who believes Americans are showing more self-government these days than say, 226 years ago?

Gary

↑ 0 ↓ · flag



Mark Heyne · 2 months ago 🔗

Gregory, this must be the armed witness you refer to: http://www.nbcnews.com/id/41018893/ns/slate_com/t/armed-giffords-hero-nearly-shot-wrong-man/#.Uu5c6X8aySM

Obviously, there should have been many more armed people in the crowd! Whatever is Arizona coming to?

↑ 0 ↓ · flag

[+ Comment](#)

Kevin Driscoll · 2 months ago

Wilma, that first phrase of the 2nd amendment has been the subject of a lot of scrutiny. I am of the opinion that regardless of the reason given in that first phrase, the independent clause of "... the right of the people to keep and bear arms shall not be infringed," stands on its own. Notice that the amendment specifically gives the right to keep and bear arms to the people and not to the militia only. Sadly, this is a long long long debate and will not be settled here. I'm not trying to persuade you, but merely state the opposing opinion. I should also point out that in some states, like South Carolina, it is still the case that according to the state constitution all males over a certain age limit are members of the militia.

Your use of the term "high-powered rifles" in relation to the recent mass-shootings confuses me somewhat because I don't think of the weapons used as being particularly "high-powered". In the Virginia Tech shooting (the deadliest in recent memory), only semi-automatic handguns were used. The Bushmaster used in Newtown fired Remington .223 rounds; this is one of the most commonly used caliber rounds for hunting and sport shooting in the US. Similarly in Aurora, a .223 caliber rifle was used (along with a 12-gauge shotgun and a handgun). It is very nebulous exactly what "high-powered" means. Many hunters will not hunt deer with a .223 because they consider it "too light." (although there seems to be considerable debate about the truth of that belief) I think that the large number of rounds fired contributed to the destruction more than the power of the weapons. I don't mean to debate your claim about whether private citizens should own these weapons; I just wanted to clarify that there isn't really any difference between the weapons used in recent mass shootings and those used by hunters and sport shooters every day.

↑ 0 ↓ · flag

Ross Caravelli · 2 months ago

The Myth of the Second Amendment

Yes, the 2nd Amendment has been the subject of a lot of scrutiny. That's why I agree with Wilma and the ACLU as their article below says it all for me:

Ross[Massachusetts ACLU](#) ^ | 12/02Posted on **Saturday, December 21, 2002 4:30:44 PM** by **pabianice**

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."

Have you ever heard someone say gun control is a fine idea— except that the Second Amendment prohibits it?

It's a popular sentiment. Fortunately, it's not true.

The Second Amendment was never intended as a gun license for the entire American populace. As originally drafted—and as consistently interpreted by the courts for more than a century—the Amendment does not grant any blanket right to own a gun nor does it stand in the way of rational, effective gun control.

The idea of gun ownership as an American birthright is nothing more than a popular myth. Yet the controversy over gun control and the Second Amendment rages on.

As the nation's oldest and most prominent defender of individual rights, the American Civil Liberties Union (ACLU) holds the U.S. Constitution and its Bill of Rights in the highest regard. To clear up many misconceptions, what follows are some basic questions and answers about the Second Amendment and gun control.

Q The Second Amendment says "the right of the people to keep and bear arms shall not be infringed." Doesn't it mean just that?

A There is more to the Second Amendment than just the last 14 words. Most of the debate on the Amendment has focused on its final phrase and entirely ignores the first phrase: "A well regulated Militia, being necessary to the security of a free State . . ." And to dissect the Amendment is to destroy its context. While some scholars have suggested that the Amendment gives individuals the constitutional right to bear arms, still others have argued for discarding the Amendment as irrelevant and out of date. However, the vast majority of constitutional experts agree that the right to keep and bear arms was intended to apply only to members of state-run, citizen militias.

Q If it doesn't guarantee the right to own a gun, why was the Second Amendment included in the Bill of Rights?

A When James Madison proposed the Bill of Rights in the late 1780s, people were still suspicious of any centralized federal government. Just 10 years earlier, the British army been an occupying force in Colonial America—enforcing arbitrary laws decreed from afar. After the Revolutionary War, the states insisted on the constitutional right to defend themselves in case the fledgling U.S. government became tyrannical like the British Crown. The states demanded the right to keep an armed "militia" a form of insurance.

Q What exactly is "a well regulated militia?"

A Militias in 1792 consisted of part-time citizen-soldiers organized by individual states. Its members were civilians who kept arms, ammunition and other military equipment in their houses and barns—there was no other way to muster a militia with sufficient speed. Over time, however, the state militias failed to develop as originally anticipated. States found it difficult to organize and finance their militias and, by the mid-1800s, they had effectively ceased to exist. Beginning in 1903, Congress began to pass legislation that would eventually transform state militias into what is now the National Guard. Today, the National Guard—and Army Reserve—are scarcely recognizable as descendants of militias of the 1790s. The National Guard and Reserve forces, in fact, do not permit personnel to store military weapons at home. And many of today's weapons—tanks, armored personnel carriers, airplanes and the like—hardly lend themselves to use by individuals.

Q Does the Second Amendment in any way guarantee gun rights to individuals?

A No. The weight of historical and legal scholarship clearly shows that the Second Amendment was intended to guarantee that states could maintain armed forces to resist the federal government. Most scholars overwhelmingly concur that the Second Amendment was never intended to guarantee gun ownership rights for individual personal use. Small arms ownership was common when the Bill of Rights was adopted, with many people owning single-shot firearms for hunting in what was then an overwhelmingly rural nation.

Q Does the Second Amendment authorize Americans to possess and own any firearms they feel they may need?

A Clearly, no. The original intent of the Second Amendment was to protect the right of states to maintain state militias. Private gun ownership that is not necessary to the maintenance of militia is not protected by the Second Amendment.

Q Does the Second Amendment allow government to limit—even prohibit—ownership of guns by individuals?

A Yes. Federal, state and local governments can all regulate guns without violating the Second Amendment. State authorities have considerable powers to regulate guns. The federal government can also regulate firearm ownership, although some scholars believe that the federal power may not be as extensive as that of an individual state. California, for example, has limited the ability of local governments to regulate firearms. While the state has kept its broad regulatory power, cities and counties can only prohibit guns from being carried in public places.

Q How have the courts—particularly the U.S. Supreme Court—interpreted the Second Amendment?

A The Supreme Court has flatly held that the individual's right to keep and bear arms "is not a right granted by the Constitution." In the four cases in which the high court has addressed the issue, it has consistently held that the Second Amendment does not confer a blanket right of individual gun ownership. The most important Supreme Court Second Amendment case, *U.S. v. Miller*, was decided in 1939. It involved two men who illegally shipped a sawed-off shotgun from Oklahoma to Arkansas, then claimed the Second Amendment prohibited the federal government from prosecuting them. The court emphatically disagreed, ruling that the Second Amendment had the "obvious purpose" of creating state militias, not of authorizing individual gun ownership. In two earlier rulings in 1876 and 1886, the Supreme Court held that the Second Amendment affected only the federal government's power to regulate gun ownership and had no effect on state gun control powers. Those cases, *Presser v. U.S.* and *U.S. v. Cruikshank*, formed the basis for the continuing legal decisions that the Second Amendment is not an impediment to rational gun control. In another case that the Supreme Court declined to review, a federal appeals court in Illinois ruled in 1983 that the Second Amendment could not prevent a municipal government from banning handgun possession. In the case, *Quilici v. Village of Morton Grove*, the appeals court held that contemporary handguns couldn't be considered as weapons relevant to a collective militia.

Q The National Rifle Association (NRA) says the Second Amendment guarantees our right to

keep and bear arms. Has the NRA got it wrong?

A Like any powerful special interest, the NRA works to secure its financial well being. It insists on a view of the Second Amendment that defies virtually all court decisions and contradicts findings of most legal scholars. In so doing, the NRA actively perpetuates a seemingly endless cycle of gun-related fatalities. The NRA intimidates politicians because it is very well financed and, like any wealthy single-issue special interest, can muster considerable pressure and scare tactics against legislators who oppose it. For decades, the NRA has effectively promulgated its message. Other voices have recently begun to be heard, however, including the public health community, civil rights and civil liberties organizations and groups committed to women's, children's and family rights. The NRA implies that the Bill of Rights forces us to accept unlimited gun ownership and tolerate the human tragedies that guns cause in our society. That simply isn't true.

Q What are the Second Amendment positions of the American Civil Liberties Union and the ACLU of Massachusetts?

A For decades, both the national ACLU and its Massachusetts affiliates have agreed the Second Amendment guarantees only the rights of states to maintain militias. The national ACLU has urged caution over gun control laws that, though well intended, might infringe on other civil liberties. The ACLU of Massachusetts believes effective gun control—especially of handguns and assault weapons—is essential to curbing the escalating violence in our society.

↑ -2 ↓ · flag

Gary Porter Signature Track · 2 months ago 🔗

This ACLU article, dated 2004, is grossly out of date and does not reflect the thinking of the Court in *Heller* (2008) and *McDonald* (2010)

↑ 3 ↓ · flag

Anonymous · 2 months ago 🔗

Except that this is completely incorrect by all standards of English: "I am of the opinion that regardless of the reason given in that first phrase, the independent clause of "... the right of the people to keep and bear arms shall not be infringed," stands on its own."

"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."

This is not a list. "the right of the people..." is a supplementary article to the first part of the sentence ("A well regulated Militia"). "being necessary..." is an adjunct to the rest of the sentence, but the entire sentence is one unit and nothing "stands on its own". You can't just ignore the first part; it's the most important part!

↑ 0 ↓ · flag

Gary Porter Signature Track · 2 months ago

Please read *Heller v. District of Columbia* (2008)

↑ 1 ↓ · flag

James · 2 months ago

One thing that is constantly overlooked in this discussion is that the founders only dealt with the reality of their time. If you look at history you will see they were worried about foreign invasions (the British, Spanish, etc.) and domestic wars (native tribes) and rebellions (slave uprisings). Since we have a professional militia called our Armed Services to defend us from the first and the last two are no longer threats, the Amendment has become superfluous.

In addition they did not and could not foresee or anticipate the development of today's weaponry. I feel certain that if the founders had a crystal ball they would have worded the Amendment differently and added limits to it.

↑ -1 ↓ · flag

Rich Bussom · 2 months ago

James - what they did was include the ability to amend the constitution as necessary. That way changes reflect the "will of the people" and not the beliefs of whoever holds leadership positions at a particular moment.

↑ 1 ↓ · flag

[+ Comment](#)



Christopher Spada · 2 months ago

Willma, Do you think one person or small group, if able would not take control of the USA? How would we stop a modern army with tanks, rockets, etc. if they were turned against us. Not with a hand gun or hunting rifle. Germans were forced to turn in their arms in 1942 and no one was able to stop the Nazi'. I am sure the Jews wished they had modern arms of the time. I have studied the 2nd Amendment. The "Right to Bear Arms" was made to be the last stance from a dictator taking control of the USA military and taking control, as what had happened in Belarus after the first free elections. We need to have the right to own any and all form of arms, as long as you are sane, as a deterrent. The military in Egypt under orders of the President, are running civilians over....who only have rocks and malital cocktails to fight back.

↑ 1 ↓ · flag

[clinton mathews](#) · 2 months ago

Well said Christopher! I might vote for a change in the 2nd to include a sanity requirement, but who would determine the required level of sanity. Not that guy in Washington with a pen and a telephone, I hope!

↑ 2 ↓ · flag

Anonymous · 2 months ago

It seems to me a judge's order should be required, and is currently available anyway, so no change is necessary.

↑ 0 ↓ · flag

Anonymous · 2 months ago

You are completely ignorant of history.

That stuff about Egypt is crap. The protesters in Egypt got the government they hated overthrown **without** guns (and the juntas that displaced Mubarak needed to be there to keep out the outgoing bastards). The Egyptian Revolution is remarkable because the people did it/got what they wanted **without** the use of guns n' ammo. So what exactly do you have to say about that? I'll say it--you don't *need* guns to overthrow a tyrannical regime.

And "Germans were forced to turn in their arms in 1942 and no one was able to stop the Nazi."-- that's a gun nut myth, right there. No one in Germany **WANTED** to stop the Nazis; the Nazis didn't "seize control" by use of force or military means themselves--they were voted in. The Germans wanted Nazi rule, they wanted Hitler as their leader, and even if the 1938 Weapons Law was enforced in 1942, the Germans didn't care because their country was now in a much better state than it had been before Hitler and the Nazis.

↑ -3 ↓ · flag

Anonymous · 2 months ago

Read the Egypt bit again. He said the same thing. As far as Germany, there were plenty who opposed Hitler. A friend of mine years ago with a number tattooed on her arm, for instance. Her father was unarmed and died for it. He might have died anyway, but maybe his wife and other children would have survived. I got that straight from the source, not a "gun nut." Dietrich Bonhoeffer was another of many dissidents. He was involved in a plot to assassinate Hitler and was executed. Hitler's own men even turned against him. Don't you think they might have preferred a little help? By your logic the Jews all wanted to go to the ovens!

↑ 2 ↓ · flag



[Alec D. Rogers](#) · 2 months ago

Why are people allowed to post anonymously? If you're interested in debating gun control rather than Con Law go elsewhere.

↑ 0 ↓ · flag

Anonymous · 2 months ago

"General Discussion General discussion about the course, life, and everything under the sun."

And anonymity helps protect against fear of repercussions, such as Facebook stalking and the like.

↑ 1 ↓ · flag

[+ Comment](#)

Wilma Jeanne Merello · 2 months ago

Hi Kevin and Christopher. You both have good points, and I am not trying to change anyone's mind - just stating my own opinions.

If every person in the twin towers in NYC had been armed with rocket launchers and heat-seeking missals on 9/11, the outcome would still have been the same. The towers would still have been destroyed and the people would still have died. On United Airlines flight 93 passengers were not armed - but still managed to keep the terrorists from completing their mission to destroy the White House.

IMO, the average citizen has no need for weapons of mass destruction. I served in the Air Force during the Viet Nam era, but I was never stationed where the fighting took place. Perhaps if I had been, I would feel differently. I pray I never find out.

↑ 2 ↓ · flag

Anonymous · 2 months ago

Me too ... I served in the Air Force during the Viet Nam era in Thailand. They didn't give us guns even though we had gun ships on base in case of another Tet the next year. But I can't agree with you. Your personal feeling should not mean the rights of others should be limited.

↑ 2 ↓ · flag



Christopher Spada · 2 months ago

Sir or Mame, I have worked 40 years to become a "middle class" citizen and lost it all between 2007 -2010. During that time I had spent 5000+ studying dozens of aspects of our society. What I have had documented was this; There are 85 International Trillionaire Bastards (FORBES Report) that rule 70% of the world resources and will stop at nothing to further enslave the common people. I challenge you to view the documentary "Loose Change" &

"911- Search For The Truth". Hitler stage attacks on Germany in order to attack Poland and others. The attack on Pearl Harbor and the USS LITHUANIA was allowed to happen to pull us into WWII. And, the 911 attacks were an inside job to 1) Escalated the wars around the world to control more natural resources and destroy the Constitution of The USA and our Bill of Rights. These were some of the reasons I enrolled in this course. Sincerely. With the passing of the NDAA, The Patriot Act, etc, we no longer have the rights under either of these documents. I pray someone will prove me wrong but, will not be able to.

↑ -1 ↓ · flag

[+ Comment](#)



Jeremy Thomas Crowder · 2 months ago

"Considering we just finished a wonderful gala with the British Armed Forces prior to gaining our independence, the "historical intent" was for a newly found nation to have the ability to protect themselves..."

Ah..no.

The intent was not for a nation to protect itself from another nation. The intent was for the people to defend themselves from an oppressive government, the British Empire at the time. The Declaration of Independence, while having absolutely no legal bearing, clarifies this:

"...when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government..."

The United States didn't do this. No nation did this. No "newly found nation" existed to protect itself from the British Armed Forces. The people did this. It's the Right of Revolution.

For further clarification, we'll take a...Jefferson quote:

"...what country can preserve its liberties, if its rulers are not warned from time to time, that this people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to the facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants. It is its natural manure."

Furthermore, in regard to some other posters here, the Second Amendment is definitely NOT "crystal clear" by itself. It is, however, clear when taking into account other writings from that period, from the same people.

↑ 6 ↓ · flag



Jeremy Thomas Crowder · 2 months ago

The nation protecting itself from foreign powers is separately addressed.

Article I, Section 8, Clauses 12 (which we violate with a perpetual army), 13 and 15.

↑ 0 ↓ · flag

[clinton mathews](#) · 2 months ago

Thanks Jeremy - I stand corrected on my 'crystal clear' statement. Perhaps our Professor will help us better understand more about the other writings and speeches from that period, without which the Constitution is subject to much broader mis-interpretation.

↑ 0 ↓ · flag

[Chris Waters](#) · 2 months ago

Jeremy,

Below is the complete statement of mine which you cite:

Considering we just finished a wonderful gala with the British Armed Forces prior to gaining our independence, the "historical intent" was for a newly found nation to have the ability to protect themselves, hence; the first part of the second amendment which people like to throw out like *Elliot Spitzer, Anthony Weiner and the most recent Republican House Representative from Florida with a coke habit. (Sarcasm Font)*.

Here is your response:

The intent was not for a nation to protect itself from another nation. The intent was for the people to defend themselves from an oppressive government, the British Empire at the time.

I have a problem with how you drew that conclusion from my statement because there is nothing in my statement in which you cited that states that. So the "ah no..." comment was an unnecessary expression.

From that response, I can only draw the conclusion that you didn't read the rest of my post because I say the same thing you said, just in a more colorful and vague form (please see bold below).

George Washington took any available men, young men and women willing to fight plus the assistance from French military officers to create his merry band of brothers and sisters. I wouldn't quite compare them to the 2014 Starting Five of the Army/Navy/Marines/Air Force and Coast Guards. **Fast forward, we won our independence and now the people are contemplating on how to protect themselves from this wonderful occurrence from happening again.** Insert a well regulated militia being NECESSARY to the security of a free state. From the historical "intent" you can't separate the first part of the amendment from the second part of the amendment.

"The United States didn't do this. No nation did this. No "newly found nation" existed to protect itself from the British Armed Forces. The people did this. It's the Right of Revolution."

You are technically correct, no national government/federal institution was created when the independent free states joined for a common cause of freedom and independence from British rule, however the totality from the subsequent events was the birth of the "newly found nation" as I put it. It was because of this independence and the perseverance of unity that caused the founding fathers to draft the Constitution which took an informal nation to a formal nation.

Lastly,

I agree with the your assertion that if you place the second amendment with other formation documents of that time, the historical intent is clear to the intent of that time period, but my personal stance is that the intent of the drafters could not have foreseen the way the modern world was going to play, thus the intent of 1700 society can't have the same intent as modern society.

Article 1, Section 8 Clause 12

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

"(which we violate with a perpetual army)" -

Appropriation - A legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.

Clause 12 has nothing to do with maintaining a perpetual army, the specific language only deals with the financing of said army hence the key words "Appropriation of Money." I think you're reaching with the perpetual army argument.

Also please see Clause 14

Article 1, Section 8 Clause 13

To provide and maintain a Navy;

Article 1, Section 8 Clause 14

To make Rules for the Government and Regulation of the land and naval Forces -

You left this clause out when you stated the other ones, because this allows the government to make rules and regulate our forces, hence if the government decides to have a perpetual army, they can do so.

Article 1, Section 8 Clause 15

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions

In other words, the militia was our army (Land Forces) before we had an actual army.

I enjoy this discourse Jeremy and Clinton.

↑ 0 ↓ · flag

[+ Comment](#)

Gary Porter Signature Track · 2 months ago

Your choice of "while having absolutely no legal bearing" in reference to the Declaration is not unexpected. Few people realize that the Declaration of Independence sits in the statute books of the U.S. on equal footing with the Constitution (and the Articles of Confederation, and the Northwest Ordinance of 1787). Check out any law library or go to <http://uscode.house.gov/browse/frontmatter&edition=prelim> and consult the "Organic Laws" of the United States in the front matter of the U.S. Code (for the history of how this came to be, read "Four Pillars of Constitutionalism, by Richard Cox). I hope our instructor will comment on how the Declaration can enjoy equal status with the Constitution and not be legally binding.

↑ 0 ↓ · flag

[+ Comment](#)



Jeremy Thomas Crowder · 2 months ago

That site doesn't make your argument. It's just a copy of the document and a statement saying it's in the records. And there are no laws in the Declaration of Independence.

Do you have anything else? "Equal Status" does not equal "Legal Bearing."

I'm sorry if I'm missing something, but I don't see anything there that suggests the Declaration has any more legal bearing than the index or web designer does. If I am missing it, please direct me to it.

↑ 0 ↓ · flag



Jeremy Thomas Crowder · 2 months ago

Now, I do know that the text of the Declaration can be used to help interpret texts that actually have legal bearing, but that doesn't change anything except for adding more support for my original post.

↑ 0 ↓ · flag

[+ Comment](#)

Gary Porter Signature Track · 2 months ago

We must have a discussion of what "organic law" means. That is the crux of the argument. If the term has meaning as regards the Constitution, it has the same meaning as regards the Declaration. There are no phrases in the Declaration couched in the terms of law, but there are principles therein which inform (or should inform) our view of the fundamental issue of rights. I believe "legal bearing" is whatever force we are willing to give it.

0 · flag

[+ Comment](#)



Jeremy Thomas Crowder · 2 months ago

The Declaration has been recognized as the founding act of law establishing the United States as a sovereign and independent nation, and Congress has placed it at the beginning of the U.S. Code, under the heading "The Organic Laws of the United States of America." The Supreme Court, however, has generally not considered it a part of the organic law of the country. For example, although the Declaration mentions a right to rebellion, this right, particularly with regard to violent rebellion, has not been recognized by the Supreme Court and other branches of the federal government. The most notable failure to uphold this right occurred when the Union put down the rebellion by the Southern Confederacy.

There is an unbelievable number of United States Supreme Court cases that mention the words "Declaration of Independence" somewhere in the opinion, but I don't know of one single case can be found where the authority for the holding in that case was the Declaration of independence. There is not a single case to my knowledge that was specifically decided on the Declaration of Independence. No decision has turned or can turn on the Declaration of Independence itself.

Case Law:

"The first official action of this nation declared the foundation of government in these words: "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. "While such declaration of principles may not have the force of organic law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the thought and the spirit, and it is always safe to read the letter of the Constitution in the spirit of the Declaration of Independence. No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government." -- **Cotting v. Godard, 183 U.S. 79 (1901)**

2 · flag



Jeremy Thomas Crowder · 2 months ago

Additionally, just because it's listed under "Organic Laws" doesn't mean..well...anything.

The Index is also listed there. Surely it's not also considered equal to the Declaration of Independence and Constitution just because it's listed under "Organic Laws"?

↑ 0 ↓ · flag



Alec D. Rogers · 2 months ago

Where does this actually appear in the US Code?

↑ 0 ↓ · flag

Gary Porter

Signature Track

· 2 months ago



↑ 0 ↓ · flag



Alec D. Rogers · 2 months ago

Thanks. Query as to what exactly is meant by this. This seems to be a designation by the US House's Law Revision Counsel (note that it doesn't seem to appear within a title of the code) rather than a statute enacted by Congress. Could the Congress enact a statute designating certain laws "organic" and what would it mean exactly?

↑ 0 ↓ · flag

Gary Porter

Signature Track

· 2 months ago

For the history of inclusion of the "Organic Laws" within the statutes of the U.S., see "The Four Pillars" book I referred to elsewhere, too much detail to include here.

↑ 0 ↓ · flag



Alec D. Rogers · 2 months ago

Thanks. Interestingly Amar argues that there are six authoritative texts that serve as a gloss on the US Constitution. While they include the Declaration and NW Ordinance, he doesn't

include the Articles of Confederation. The other four are the Federalist Papers, Gettysburg Address, and MLK's I Have A Dream Speech. and .Brown v. Board

↑ 0 ↓ · flag

Anonymous · 2 months ago

The Declaration of indepenence gives the rules through which authority can change. S Caroline cited it 20 years before the Civil War for the many violations the federal government was doing against the states. The North had states saying that they had the right to secede as well at the Hartford convention.

↑ 0 ↓ · flag

[+ Comment](#)

Gary Porter Signature Track · 2 months ago

You suggest the phrase organic law is meaningless? Interesting.

↑ 0 ↓ · flag

[+ Comment](#)

Gary Porter Signature Track · 2 months ago

I agree that no Supreme Court ruling has turned on the Declaration, I think you are overstepping to say none could turn on the Declaration. None, perhaps, in our current view of the documnt, but who is to say that could not change by a reawakening and renewed respect for the document by "We the People?"

↑ 0 ↓ · flag

[+ Comment](#)



Alec D. Rogers · 2 months ago

I'd suggest waiting until we get into this course before getting into specific topics.

As Prof Amar explained in his book, the meaning of the second amendment was dramatically altered by the 14th amendment and the context in which it was enacted. Let's not get locked into positions too early on, but keep an open mind, remembering that the Constitution may not say what we'd LIKE it to say (either way).

↑ 0 ↓ · flag

Anonymous · 2 months ago

It is sad that we live in a time when the simple text of a law needs to be explained to us by experts. I wonder how you are supposed to follow the law if you are unable to understand it? The Constitution is clear, normal people are supposed to read it and understand without any help what it is about. But today words do not mean what they used to be.

Take "shall not be infringed". What is to be debated there?

"Should make no law". What is to be debated there.

Rights are absolute, otherwise they don't exist. If limitations are used, where the line is drawn? Who decides what limitations are good and which are not good?

And BTW, the rights can not be voted away by the majority. A lot of people forget that.

↑ 1 ↓ · flag



Jeremy Thomas Crowder · 2 months ago

Nothing, Anonymous. But, it's a lot easier when you're taking it out of context.

↑ 0 ↓ · flag

[+ Comment](#)

Teresa Fowler · 2 months ago

Wilma, as a law enforcement/criminal justice professional, I am in complete agreement with your statements. Persons certainly have the right of self defense or hunt animals, but I will be hard to convince that the 2nd Amendment ever included personal use or ownership of 100 AK-47's, hand grenades, rocket launchers as part of one's right to bear arms. Christopher, I do not believe there will ever be a discussion in the United States regarding "everyone" being forced to turn in their weapons. It's simply not possible in this country, there are more guns than people to collect them-and it is unrealistic to use this as a justification to own such weaponry.

↑ -1 ↓ · flag

[+ Comment](#)

Ross Caravelli · 2 months ago

Many people defend gun ownership as protection from intruders, burglars, etc. As is evidenced in this article from the New York Times this is highly unlikely:

The Gun Challenge

This series of editorials looks at the epidemic of violence in the United States and explores the possible solutions.

Editorial | The Gun Challenge

Dangerous Gun Myths

But there is a more fundamental problem with the idea that guns actually protect the hearth and home. Guns rarely get used that way. In the 1990s, a team headed by Arthur Kellermann of Emory University looked at all injuries involving guns kept in the home in Memphis, Seattle and Galveston, Tex. They found that these weapons were fired far more often in accidents, criminal assaults, homicides or suicide attempts than in self-defense. For every instance in which a gun in the home was shot in self-defense, there were seven criminal assaults or homicides, four accidental shootings, and 11 attempted or successful suicides.

The cost-benefit balance of having a gun in the home is especially negative for women, according to a 2011 review by David Hemenway, director of the Harvard Injury Control Research Center. Far from making women safer, a gun in the home is “a particularly strong risk factor” for female homicides and the intimidation of women.

In domestic violence situations, the risk of homicide for women increased eightfold when the abuser had access to firearms, according to a study published in The American Journal of Public Health in 2003. Further, there was “no clear evidence” that victims’ access to a gun reduced their risk of being killed. Another 2003 study, by Douglas Wiebe of the University of Pennsylvania, found that females living with a gun in the home were 2.7 times more likely to be murdered than females with no gun at home.

Regulating guns, on the other hand, can reduce that risk. An analysis by Mayors Against Illegal Guns found that in states that required a background check for every handgun sale, women were killed by intimate partners at a much lower rate. Senator Patrick Leahy, the Judiciary Committee chairman, has used this fact to press the case for universal background checks, to make sure that domestic abusers legally prohibited from having guns cannot get them.

As for the children whose safety Ms. Trotter professes to be so concerned about, guns in the home greatly increase the risk of youth suicides. That is why the American Academy of Pediatrics has long urged parents to remove guns from their homes.

The idea that guns are essential to home defense and women’s safety is a myth. It should not be allowed to block the new gun controls that the country so obviously needs.

Ross

↑ -4 ↓ · flag

[Teresa Fowler](#) · 2 months ago 🗨️

These are true stats-people often do not understand a great deal of training must go along (in addition to mental stability) of responsible gun ownership. Being a gun owner is not the same as being a responsible gun owner. But the 2nd Amendment is silent on this topic.

↑ 1 ↓ · flag

[Wilma Jeanne Merello](#) · 2 months ago 🗨️

Thank you Ross for your enlightening post. Gun **ownership** is not the problem today, gun **use** is. I'm not in favor of taking all guns out of the hands of civilians - but I am in favor of some form of control that will ensure our children's safety. Education and training would be a good start.

↑ 1 ↓ · flag

Ross Caravelli · 2 months ago 🔒

I completely agree with you Wilma. Unfortunately guns are not being used for sport hunting, target shooting etc. I'm not completely sold on guns for self defense as the previous article I posted demonstrates there is no evidence that it works very often. By regulating guns, and registering them and having background checks we at least reduce the excessive violence. As far as our children's safety is concerned, the following article shows how this is playing so far in 2014:

There Has Been An Average Of One School Shooting Every Other School Day So Far This Year

By Adam Peck🐦 on January 23, 2014 at 8:00 am

CREDIT: AP

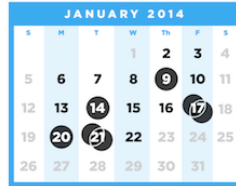
Last year was supposed to be a year of action to curb gun violence in our schools. But three weeks into the new year, statistics suggest that the problem could actually be worsening.

Though the sample size is far too small to draw any definitive conclusions, 2014 is off to a deadly start: in the first 14 school days of the year, there have been at least 7 school shootings. For sake of comparison, there were [28 school shootings](#) in all of 2013, according to gun violence prevention group Moms Demand Action.

Purdue University is [the most recent](#), when a 23 year old teaching assistant fired four shots inside a campus building on Tuesday, killing a 21 year old senior. One day earlier, a [student was hospitalized](#) after being shot near the athletic center on the campus of Widener University in Pennsylvania. And last week, there were at least [three other school shootings](#), resulting in the hospitalization of five students between the ages of 12 and 18.

THE NEW NORMAL?

WE'RE AT RISK OF HAVING SCHOOL SHOOTINGS BECOME COMMONPLACE



THERE HAVE BEEN **14 SCHOOL DAYS** SO FAR IN 2014...

AND **7 SCHOOL SHOOTINGS.**

A NATIONWIDE EPIDEMIC



THINKPROGRESS

That number could have been even higher were it not for several near-misses. An eighth grader was arrested in Georgia last week after he [brought a gun to school on consecutive days](#) and robbed a classmate. On Tuesday, Portland police rushed to an area high school after a student was reportedly [showing off his gun](#) to a fellow classmate during lunch. And early on Wednesday [four teenagers were arrested](#) after they were seen pointing a gun at a school bus in Norfolk, Virginia.

Gun advocates at the National Rifle Association and elsewhere spent months after the tragic shooting in Newtown, CT calling for even more guns to be placed inside of schools in the form of armed security officials. And while many schools have indeed [introduced](#) so-called "school resource officers" in the last year, there is little evidence they are doing any good at all. Just about the only discernible impact of adding security officials into schools is a [dramatic increase](#) in the number of students arrested, sometimes for transgressions such as [forgetting to wear a belt](#). More alarmingly, there have been instances of officers [forgetting their guns inside bathrooms](#) used by students or [accidentally firing their guns](#) inside of crowded high schools.

Update

Two more school days have passed since this post was first published, and the deadly trend has continued: on Friday, [one student was shot](#) on the campus of South Carolina State University. The university confirmed the shooting shortly after 3:00pm, and say that they have identified the suspect, though police have yet to apprehend him or her. The lone victim was transported to an area hospital, but the individual's condition is unknown.

↑ 1 ↓ · flag

[clinton mathews](#) · 2 months ago 🔒

You make a compelling propagandist.....Not!

↑ 1 ↓ · flag

Anonymous · 2 months ago 🔒

It's quite funny how facts are always considered "propaganda" by gun nuts.

↑ -1 ↓ · flag

Anonymous · 2 months ago 🔒

Isn't already a crime to shoot somebody? The facts that gun-control advocates ignore are showing that 99.99% of gun owner do nothing wrong during their lifetime. Yet you want to punish these 99.99% with more restrictions. First we should repeal the "Gun Free Zones" and let the people defend themselves from those predators.

Why do you hate people so much that you want to take thier ability to defend themselves?

↑ 2 ↓ · flag

[+ Comment](#)



[Alec D. Rogers](#) · 2 months ago 🔒

Let's all try to remember this is a class about Constitutional Law and not the wisdom of various public policies.

↑ 3 ↓ · flag



[J. Andrew Starr](#)

Signature Track

· 2 months ago 🔒

Dear Alec D. Rogers,

I begin to tacitly touch upon this subject in a thread I started: "[We The People, NOT We The Citizens](#)." With respect, to the Second Amendment. There is some debate over the phrase: the

right of the people. Do *the people* refer to the people as a whole, the militia or the people as in individual people? In the context of a legal document which starts off with the word "**We**" it remains a bit ambiguous.

Yes, I know it's been litigated and generally is thought to be an individual right. Curiously, there is **no** explicit specific "*right to use arms*." Let's not forget the Constitution as the professor stated was largely crafted by legal minds. Just a quick disclaimer: in no manner, shape or form I am a supporter of so called *gun-grabbing*. I'm merely raising these points academically.

↑ 1 ↓ · flag

[+ Comment](#)

[Stanley H Kelley](#) · 2 months ago 🔒

Two things that I think need to be kept in mind are:

1. The Second Amendment does not say "guns" it says "arms." So are there any limitations on what types of "arms" are permitted to every citizen? Are cannons, RPGs, thermonuclear devices OK?
2. If the intent of the founders was to permit citizens to keep arms to protect against a tyrannical government, is it reasonable to believe that the arms available to the general public could resist the US Army, Navy, Air Force and Marine Corps?

↑ 2 ↓ · flag

[+ Comment](#)

[David Wayne Henley](#) · 2 months ago 🔒

Discouraging that the class hasn't gone past the Preamble and we already have a second amendment argument. Can't it wait until the class covers that? Otherwise the discussion threads will have the same quality as Huffpo or Salon. Flaming and ad hominems.

↑ 2 ↓ · flag



[J. Andrew Starr](#)

Signature Track

· 2 months ago 🔒

Well said Mr. Henley, bravo! Let's attempt to keep it academic.

↑ 0 ↓ · flag

[Cole Edward Hillier](#) · 2 months ago 🔒

The time, context, and historical backdrop of the 2nd Amendment doubtlessly should all be considered in any reasonable discussion of the Constitution. Yes, the firearms of the day were

primitive and didn't have nearly as much potential to cause mass murders. Yes, militias were a very important part of the Revolution and have since become extinct. And yes, it must be remembered that the time period was rank with the fear and memory of gross abuse of power by a tyrant. Like some of you have alluded to, the question isn't "the right to keep and bear arms", but who gets to keep them and what kind of arms do we get to keep. Some of you have talked about how it's possible to get permits to buy deadly, military-style weapons. Most gun crimes aren't committed with these, but with weapons that fit the bill of what could be classified as "hunting" or "personal defense" weapons. Complaining about military-grade weaponry being responsible for the average gun crime is akin to complaining about heroin or methamphetamine abuse after someone dies of alcohol poisoning. I'd like to hear about the term "well regulated militia". Well regulated in what ways? By what type of arms a citizen is allowed to buy, perhaps?

↑ 0 ↓ · flag

Anonymous · 2 months ago 🔒

From what I've read so far of the Constitution, while there was a provision for the creation of a Navy, there wasn't one for an army, in fact, emphatically no mechanism for such a move. These people had just gotten over a Civil War and there was a sense of chaos as a system began to gell. In such times, most people would certainly have been leery of a charismatic general, the proverbial 'Man on Horseback', taking the reins of a standing army and imposing his will, as Napoleon did later. I understand that there were fears that General William T. Sherman would march on Washington and install his own dictatorship following his march through Georgia and the Carolinas. Given the times, the technology not only of weapons but of transportation and logistics, as well as the aforementioned suspicion of a national standing army, the states were expected to provide for the defense not only of their own populations, but to amalgamate under a centralized command in times of common danger. Of course, this was all going to be at the individual state's expense, and they, in turn passed the cost down to the Militia units, which would evolve into the National Guard into our time. Would a State issue weapons, or would they require that anyone who aspired to membership in the Militia bring their own long arms? Implicit in the 2nd Amendment is the need for a well-regulated Militia. That means drilling, qualification on the firing line, instruction in cleaning and maintaining weapons, instructions in tactics and a system of rewards and punishments. Maybe it's time for an Amendment to the 2nd Amendment by plebescite and further define it and refine it to something along the lines of: "The pursuit of Happiness includes the right to own and operate all weapons that current technology allows, except for those that shall be proscribed in a list maintained by the Department of Defense as being a danger to public order and safety and that such a list shall be reviewed and revised as needed every three years." Let's strip away the grey areas and make it explicit. But, put it to a vote. That way, we're not all being held hostage at gunpoint (or non-gunpoint) by outsized minorities who have big mouths because of media culpability.

↑ -2 ↓ · flag

[+ Comment](#)

Edward Kranz · 2 months ago

If Gary really wants an answer to the question he put to Brandon

"Please point me to the Constitution's clause that empowers the national government to control gun ownership."

. I can provide one

Article I Section 8 reads "The Congress shall have Power To...Provide for the general Welfare of the United States...And to make all Laws necessary and proper for carrying into Execution the foregoing Powers...

↑ 0 ↓ · flag

Anonymous · 2 months ago

I don't think people can comprehend that the Constitution is a living document that can and should be modified with the changing of the times/circumstances--at least not with the Second Amendment alone, or the Second Amendment within the context of the rest of the Bill of Rights and the time period.

↑ 0 ↓ · flag

Gary Porter Signature Track · 2 months ago

I can certainly comprehend that **some people** see the Constitution as a "living document" subject to changing interpretations; but I differ to Hamilton: "[T]he present Constitution is the standard to which we are to cling. Under its banners, bona fide must we combat our political foes -- *rejecting all changes but through the channel itself provides for amendments.*" Alexander Hamilton, letter to James Bayard, 1802 There is a proper way to amend the Constitution (Article V) and then there's the Supreme Court way.

↑ 2 ↓ · flag

[+ Comment](#)

↓ scroll down for more ↓

