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Assault Rifles and the 2. Amd.

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[Johann Quiring](#) · 2 months ago 🔒

Hello,

in the day of the Constitution their was only the slow loaded rifle. I can not think that todays assault rifles are part of it.

Thanks

↑ 2 ↓ · flag



[Larry Lee Groseclose](#) · 2 months ago 🔒

A difficult issue. The Constitution was written at a time when flint lock/muzzle loading, single shot rifles were the state of the art in firearms. But, the Constitution is also a "Living Document" which I interpret to mean it must be read in the context of today. We have a well-formed military and police in this country. Most individuals do not need an assault rifle to protect their homes. And, the population has increased substantially since the framing of the Constitution, therefore we live in closer proximity to each other. Assault weapons are designed to penetrate most home construction. The owning of assault weapons in today's society, I feel, would probably fall outside the intent of the 2nd Amendment.

↑ 1 ↓ · flag

[Anonymous](#) · a month ago 🔒

The rights of the Individual are pre-political and are not "gifted upon us from the government."

There certainly is no specific right to "keep and bear arms" as an individual; there is a right to repel attacks from those who would harm you and violate your rights. "Arms" are merely a natural application of capital means to that end and are specifically called out for their popular use.

The more important point, however, is that the government has no moral or legal grounding to perform any action or impose any restriction that is not directly exercising a responsibility delegated to them from some individual. An Individual can only delegate something unto their

proxy that they rightfully possess. If I have acquired my firearm either through original appropriation (assume I have the skill to make a firearm for myself) or through contractual trade, no one can expect to justifiably *take* my property against my will.

So, assuming you believe the government should be allowed to infringe upon my property rights, you must also believe that you **personally** have the right to steal my property and my personal protection **and therefore claim ownership over me**. Why do you feel so empowered and superior?

Beyond being simple theft, such a thing is internally inconsistent with natural law and Individual Rights. Individual Rights exist wholly in the negative space, because in the absence of another Individual, your options in the positive space are bound only by the rules of the physical world around you.

In the event of a conflict, negative rights trump positive action and the right to not be aggressed against prevails.

In the case of the Second Amendment (or the spirit of it), it's truly a trivial thing to say that my firearm is my property and as it is mine, you are prohibited from performing an action that would deliver it unto yourself or impede my use of it in exercising my rights. Therefore, as you have no right to take it for yourself, you have nothing to delegate to a proxy. As you have nothing to delegate to a proxy, the government has no grounding to act. The government therefore, has no justification to draw upon which they may use to inhibit access to firearms. The government, after all, is just a group of ordinary men...and a sad group of them, at that.

Now to head off the primary objection(it always seems to be brought up) at the pass, possession of nuclear weapons is itself a violation of individual rights because they have no defensive properties; they are overtly offensive weapons and "the threat of the offensive" is what is used as justification for their nonsensical "defensive nature" ; that is to say, it is no justification at all.

↑ 2 ↓ · flag



Anthony Watkins · a month ago

Nuclear can be defensive, if used as a booby trap!

↑ -2 ↓ · flag

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Michael Linwood Floyd · 2 months ago

To put it in perspective, in the days of the constitution there was print technology and the soapbox. Why are TV, radio and the internet now covered by the 1st Amendment? :-) (I realize this may sound ridiculous, but you get my point.)

In the days of the founders, the people could possess the very same weapons technology the military had, yet the founders thought it prudent to allow them to have it. Maybe the better question would be why do we not allow normal citizens to possess fully automatic weapons and grenade launchers? Or even tanks and fighter jets? Now, I realize that it isn't practical for everyone to have some of our modern military equipment given the widespread destructive effects of nuclear weapons or bombs, but then I must also ask why we think it's okay for our local police force to have and use armored vehicles? The Posse Comitatus Act of 1878 forbids the military from performing domestic law enforcement duty, but if we militarize the local police force aren't we in effect doing just that?

I know that if I were in a situation having to defend my family I would welcome the quicker firing rate and higher capacity magazines of an assault rifle over the standard muzzleloader, especially if there were multiple attackers as in many home invasions. My philosophy as a gun owner is "I'd rather have it and not need it than need it and not have it."

↑ 2 ↓ · flag

Johann Quiring · a month ago

Is America really so a dangerous place that everyone need a gun?

↑ 1 ↓ · flag

Ron Moore · a month ago

The 2nd Amendment does not specify the type of weapon to which it refers. Discussion of the types of weapons that should be available to the public can get interesting. I appreciate your willingness to enter that arena. I am a veteran and was raised in a household where weapons were common and abundant. Though I no longer hunt, I do own a few semi-auto weapons and enjoy recreational shooting. I appreciate the Supreme Court's recent decisions that boldly acknowledge the right of individual citizens to keep and bear arms. I also believe that the current working definition of assault weapons is ridiculous. That said, I see no reason why citizens need certain military (not military style) weapons including any of the fully automatic weapons, those having selector switches with an auto option, grenade launchers, flame throwers, tanks, etc.... Even though they might be enjoyed by some recreationally. This can be an emotional topic for many. Like you, I want the quicker firing rate and higher capacity to defend my family, but I do not need an M16, M4 or anything like them.

↑ 1 ↓ · flag



Anthony Watkins · a month ago

interesting that the 2nd amendment provided that the STATES, not the federal govt, could not regulate the arms of militias, not restricted to small knives or swords, but the state of the art flintlock, so as a living document, the STATES could not prevent us from owning 50 caliber automatic weapons, nor even fighter jets, nor even atomic weapons.

what am i missing? and why cant i build a dirty bomb in my basement and declare myself constitutional protected? not that i have a basement or any desire for a weapon, not even a pee shooter....

↑ 0 ↓ · flag

[Ron Moore](#) · a month ago

Anthony,

At the time of ratification the 2nd Amendment did not place restrictions on the states, but on the federal government. The Bill of Rights did not apply to the states.

↑ 0 ↓ · flag



[Anthony Watkins](#) · a month ago

the bill of rights did not apply to the states? so if a state wanted to ignore them, they could? that explains a lot! 1st, 4th, 5th, in particular, as well as the 6,7,8,9,10th all seem to have suffered at times at the hands of the various states. in what manner does a federal law exist if it can be ignored by those states that make up the union? i was recalling the amendment from memory. I pulled it up for this response: 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.

doesnt say states or federal, it says shall not be infringed. not sure why i can keep WMDs in my back yard

↑ 0 ↓ · flag

[Joseph DeLuca](#) · a month ago

The U.S. Constitution is for federal law; however, every state adopted their own constitutions based on the federal one. If I might use the Connecticut example with regards to firearms Article 1, Sec 15 reads "Every citizen has a right to bear arms in defense of himself and the state." So the 2nd Amendment protects from infringement of firearms and Article 1, Sec 15 protects the state with regards to firearms.

↑ 0 ↓ · flag

[Ron Moore](#) · a month ago

Anthony,

The Bill of Rights slowly began, on a piece by piece manner, to apply to the states through the 14th Amendment. The process is called incorporation and was primarily the result of new interpretations of the Constitution that took place throughout the the 20th century.. It makes for a great study.

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Joseph DeLuca · 2 months ago

Larry I must respectfully disagree with your thought process. Michael I agree with you.

We cannot say that just because we were more spread out from our neighbors and that there was not a well formed military or police force that we do not need the rifles. After all there was a well formed Army in our country (just was not ours). What we should do to gain a contextual idea is look at the history of the time and take their intent to get a sense of what they were thinking. They wanted the average citizen to be able to possess the exact same armaments that militaries had. So to a colonial citizen that meant the "right to keep and bear arms" meant a musket. Take this same intent and that would equate to the Military having M16A2's (Capable of holding 30 rounds, fired in either semi-automatic or burst) the "right to keep and bear arms" would equate to AR-15's (Capable of holding 30 rounds, fired in Semi-Automatic only).

The framers did not intend the citizenry from being limited or easily over taken by a tyrannical government (ours or anyone else's). They intended and gave the people the "out clause" as a way to protect the Constitution, to protect "life, liberty and pursuit of happiness" They gave us the 2nd Amendment as it is worded exactly "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." There is no mention of restrictions on magazine capacity, caliber size, firearm size or rate of fire.

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Luis Henrique L G de Lima · a month ago

I agree with Larry. For me there has been a constitutional mutation on that subject.

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[+ Comment](#)



Anthony Watkins · a month ago

Ited. If a right, be that an individual, militia or state right "shall not be infringed," how does one limit that right beyond interpreting the right to be either one of the three classes I listed above?

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