

THE SECOND AMENDMENT

1. Brief explanation of the framing of the United States Constitution ("USC") in Philadelphia, 1787.
2. The first ten amendments to the USC ("American Bill of Rights) were ratified on 15 December 1791. The Second Amendment is:

"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."

3. Is the right to keep and bear arms and original idea? No. The *English Bill of Rights* (1689) included the following provision:

"That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law."

4. And a number of the original State Constitutions, written between 1776 and 1780, included a right to bear arms, for instance, the Constitution of North Carolina (1776) provided in part:

"That the people have a right to bear arms."

5. So, what is the rationale of the right to keep and bear arms?
6. The English Bill of Rights also said:

"That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law."

7. Likewise, the provision in North Carolina's Constitution went on to provide:

". . . for the defence of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power."

8. So, the right to keep and bear arms is based on the need to defend oneself, as a check on government and as a means for national defence.
9. The rationale of the 2nd Amendment is not the issue. But what it means is. There are two schools of thought?
10. The State's rights interpretation. The right protected by the 2nd Amendment is no more than the right of the States to have a well-regulated militia. The States have the right (duty) to provide militias and the people have the right to keep and bear arms for that purpose. In other words, the 2nd Amendment does not provide an individual right to keep and bear arms; the right exists only as part of a State militia.
11. The individual rights interpretation. All have the right to keep and bear arms and from those people a Stat's militia can be formed.

12. *Heller's Case* (2008).
13. Some statistics. Homicide rates per 100,000 of the population: Australia (.098), Canada (1.68), USA (4.88) and Mexico (16.35). On average, more than 35,000 people die from gun violence every year in the United States: 12,000 are murdered and 23,000 are suicides.
14. What the NRA does and does not say.