

2nd Amendment: The Real Meaning



US Constitution, Bill of Rights
(the *supreme law* of the land)



“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.”

- “a free State” = not a tyranny
- “A well regulated Militia”, is stated here to indicate it is assumed to arise given the right of the people to bear arms, and it is necessary to ensure a free state. It is not stated as a requisite to the right to bear arms.
- “right of the people to keep and bear Arms” : there is no restriction on the types of arms here.

The guarantee of the right is, in part, intended for fighting/preventing a tyrannical government through the presence and actions of militias. Militias serve this purpose through the potential for widespread guerrilla warfare.

The amendment was constructed specifically avoiding making the right to bear arms being predicated on the establishment of a militia. And, let us consider what it means that the right is not predicated on militias. It means one or both of two things:

1. The founders thought predicating the right on militias would give government the tyrannical power of limiting the right through that predication.
2. There are other reasons besides a militia for the right.

From the writings of the founders, it is apparent that both of these things were the reasoning. The belief is that rights are given by God or Nature. And, specifically, the right to bear arms reflects the right to pose a threat to anyone/anything that would violate you. And, this presents the question of, “what arms are allowed under the right?”

At the time the amendment was written: 1. arms included cannons, bomb shooting cannons, and vessels that had such cannons, and yet, these were not provided as exceptions to the right to bear arms; 2. there existed weapons which might be deemed un-useful in a militia (flails, brass knuckles) – and yet, they were not provided as exceptions to the right to bear arms; 3. concealment of weapons was also possible, and yet, no exception to the right to bear arms specifying against concealment was provided.

If the founders’ intent was to restrict the arms in type or manner, this would have been included in the amendment. If it was intended to predicate the right to bear arms on establishing a militia, then the amendment would be written as such.

In other words, the 2nd amendment guarantees the right to bear arms without exception to type or manner.

At best, tyranny advocates can argue that the founders did not envision nukes, and thus, it is required in considering nukes that we consider the spirit of the amendment. And, there are two spirits of the amendment:

1. Power-in-people-numbers to allow a militia to fight a tyrannical government
2. The right to pose a threat to that which would violate you

And, nukes, arguably, are not a power-in-people-numbers type of weapon.

Frivolous Arguments

“*But tanks/rocket launchers/automatic machine guns are dangerous*”: So are cars, but more so is stupidity and ignorance. There is no constitutionality for the US government to restrict one’s actions based on the potential danger to others.

“*Rocket launchers could kill a lot of people*”: So can bombs which require very little knowledge and cost. Rocket launchers are substantially more difficult to construct.

“*Higher lethality weapons would mean more massacres*”: Apart from government or George Soros funded terrorism, massacres, especially in an unrestricted armed society, would rarely occur.