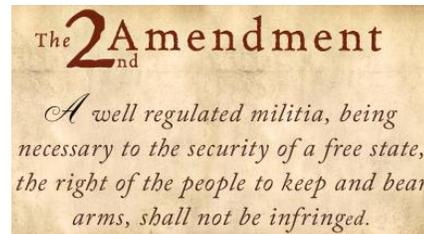


 **THE 2nd AMENDMENT**
- ENACTED 1791
- THE GUN CONTROL ISSUE
(What were they thinkin'?)



Stephen L. Bakke  February 1, 2013

When governments fear the people, there is liberty. When the people fear the government, there is tyranny. – Thomas Jefferson

I don't own guns of any type. Other than when serving in the army, I have never had any firearms training nor fired a gun with any frequency. I have no "horse in this race." I only want the U.S. government to do things that are well researched, predictably effective, and consistent with the U.S. Constitution. No knee jerk reactions, please! – Stephano Bakkovich, obscure but very wise political pundit, and a willing purveyor of opinions on just about everything.

The question of “gun control and citizens’ right to bear arms” is one of the most controversial and complex issues being discussed in recent weeks, and the debate isn’t soon over. It’s extremely emotional, and there is an oversupply of impetuous suggestions, and an undersupply of politicians who want to truly get to the bottom of mass killings in terms of causes. And Obama, in familiar fashion, rushed to the rescue by demanding immediate and quick action. VEEP Biden “hopped to” and had a report out in a little over a month.

Biden’s committee was just a show – a farcical, empty effort with no real research being accessed, other than superficially, as far as this “C-Span Warrior” could see. What did they really learn? They went through the motions only – and new U.S. policy is the immediate result, through executive orders first and impetuous legislation potentially next, unless we insist on something better.

Obama is always in a rush to get things done. He believes that a thorough evaluation will jeopardize his real agenda – in this case a desire to eliminate as many personal weapons as possible. He doesn’t trust “common” Americans to make choices – a very Alinsky-like opinion of the “masses.” I don’t care what the causes are as long as we don’t waste time and resources on foolish policies!

This is a huge topic and I have decided to start at the very beginning and first try to answer questions about the intent of our founders. I’m in good company with my insistence that we first interpret the Founders’ original intent:

On every question of construction [of the Constitution] let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying [to determine] what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed. – Thomas Jefferson, letter to William Johnson, 1823.

This “original intent” analysis is appropriate whether one is an “originalist” or a proponent of “it must conform to our time” – this meaningful exercise should be completed nevertheless. In order to do this in a way that makes most sense to me, over a series of reports I will gradually “peel back the

onion” with the goal of understanding the issue at its roots, and ultimately take a look at significant research about the causes of mass violence and the history of the success of gun control.

First, I have accumulated questions and assertions that have been made to me directly or in extensive commentary on the subject. I will summarize each question, and then address it by finding relevant commentary on the subject, including comments directly from the Founders.

🇺🇸 Why were the Founders so sensitive to the right to bear arms – because they had to hunt to eat? Our founders were all about subsistence living, weren’t they?

I have thought fit to issue this Proclamation to require all Persons who have yet Fire-Arms in their Possession, immediately to surrender them at the Court-House, to such Persons as shall be authorized to receive them; and hereby to declare that all Persons in whose Possession any Fire-Arms may hereafter be found, will be deemed Enemies to his Majesty's Government. – The British governor of colonial Massachusetts regarding the confiscation of weapons, 1775.

[W]hen the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man, - who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually, by totally disusing and neglecting the militia. – George Mason, speech in the Virginia Ratifying Convention, 1788.

Obviously, prominent on the Founders’ mind was the plan of the British to disarm the American Colonies in order to control the ever more restless citizenry.

🇺🇸 “Militia” is an old term and all it’s referring to is the right of the government to create a “standing army.” (Ah, much to the contrary, they bemoaned the necessity of a standing army.)

A militia when properly formed are in fact the people themselves and include all men capable of bearing arms. The mind that aims at a select militia, must be influenced by a truly anti-republican principle. - Richard Lee, Senator, 1787

That the people have a right to keep and bear arms; that a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that, in all cases, the military should be under strict subordination to, and governed by, the civil power. – Recommended Bill of Rights from the Virginia Ratifying Convention, 1778.

What, Sir, is the use of a militia? It is to prevent the establishment of a standing army, the bane of liberty – Rep. Elbridge Gerry, Massachusetts, spoken during floor debate on the 2nd Amendment.

The unlimited power of the sword is not in the hands of either the federal or state government, but, where I trust in God it will ever remain, in the hands of the people. – Tench Coxe, Pennsylvania Gazette, 1788.

🇺🇸 Apart from having the ability to form a group to defend against government “tyranny,” which has been solved by creating “the militia,” the Founders had little more on their minds.

Arms in the hands of the citizens may be used at individual discretion for the defense of the country, overthrow of tyranny or private self-defense. – John Adams

Laws that forbid the carrying of arms disarm only those who are neither inclined nor determined to commit crimes. Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man. – Thomas Jefferson quoting from Cesare Beccaria, 1774.

It seems clear to me that, while the main weight of the 2nd Amendment pointed to the “tyranny” question, they also recognized that a part of “Unalienable Rights” was the ability of a citizen to defend oneself against general threats, or “whatever.” This is clear from the above quotes.

🇺🇸 What would be a modern day equivalent to a “militia”?

Consider the situation whereby the community decided to create a group of trained citizens to share the responsibility of providing security for the local school. That, to me, is an obvious example of a modern application of the Unalienable Right to bear arms. – Stephano Bakkovich, obscure but very wise political pundit, and a willing purveyor of opinions on just about everything.

🇺🇸 Is hunting and recreational use of guns a modern equivalent for the desire to have guns?

NO! – Stephano Bakkovich, obscure but very wise political pundit, and a willing purveyor of opinions on just about everything.

🇺🇸 Why do you need an assault rifle for hunting?

You don't! Assault rifles are not effective for hunting due to their small caliber and lower impact on the target. How about that for an odd twist? Nobody is after these much more powerful “non-assault,” hunting rifles. – Stephano Bakkovich, obscure but very wise political pundit, and a willing purveyor of opinions on just about everything.

Here's what I've concluded so far about the 2nd Amendment and gun control: *Obama prefers quick reaction over careful study of the problem of mass violence; the Founders were reacting primarily to the threat of British tyranny and its intention to disarm the American Colonies; the Founders were also sensitive to the right of general self defense; the term “militia” does not refer to the formation of a standing army; there are in fact modern applications for establishing a “militia”(e.g. school security); recreational hunting is not a modern interpretation of the intent of the Amendment.*

SOON: The Founders' ideas about gun control; some expert legal commentary, and much more about available research regarding mass violence and the effectiveness of gun control.