

 **TODAY'S "SHORT TOPIC"**
**THE FOUNDERS KNEW
THE MEANING OF
"MILITIA" – BUT
WHAT DOES "WELL
REGULATED" MEAN?**



By Stephen L. Bakke  December 6, 2015

Here's what provoked me:

This question is often asked: "Does the original intent of the Constitution provide for implementation of some form of firearm regulation?" I've spent a lot of time on this over several years and have come to a conclusion that I'm comfortable with. I have given this question much more comprehensive attention elsewhere in my website – you can find that under the tab "Policy and Political Commentary."

Here's my response:

The Founders Knew the Meaning of "Militia" – But What Does "Well Regulated" Mean?

In analyzing the Second Amendment term "well regulated militia," it's obvious that our Founders were reacting to the reality of authorizing formation of a standing army to provide national security. Additionally, in the context of today's intense debate about gun control, our Founders' documented statements, and written commentary clearly show their intentions also included the right of general self-defense.

But the definition of "well regulated" is still an unanswered question. As usual, the Founders', and modern experts, provide guidance:

- "To preserve liberty, it is essential that the whole body of people always possess arms, and be taught alike especially when young, how to use them." – Senator Richard Lee, 1788"
- "...expertness in military movements...requires time and practice...[the militia] ought certainly to be under the regulation and at the disposal of that body which is...the guardian of the national security..." – Alexander Hamilton, in Federalist 29
- Justice Scalia, in his comments and opinion writing, has left the door open to certain gun control legislation being constitutional.

Should we consider some control as appropriate? Yes! Embedded in all I have read, from our founding to the present, there seems to be a presumption of order and competence, achieved through rules, regulations, and limited controls.