



 **IF WE CAN AGREE THAT THE RIGHT TO BEAR ARMS IS (at least at some level) AN UNALIENABLE RIGHT (endowed by our Creator, no less!), THEN IT MUST FOLLOW THAT or am I just trying to make a very silly point? You decide!**

Stephen L. Bakke  February 26, 2013

In recent days you received several of my reports on the topic of the 2nd Amendment and gun control. Here's a recap of what I've concluded so far (refer to the reports dated February 1, 7, 15, and 21, 2013 on my website in the "Policy and Political Commentary" tab):

- *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 very sensitive to the right of general self defense;*
- *the term "militia" must be understood to represent an individual's right to bear arms, as well as more formal, hopefully temporary, joining together to form a military;*
- *there are in fact modern applications for establishing a "militia"(e.g. school security);*
- *recreational hunting can't be stretched into a modern interpretation of the intent of the 2nd Amendment;*
- *since the 2nd Amendment is part of the "unalienable" Bill of Rights which were "endowed by our creator," it is unlike another phrase in the "Constitution" and any elimination thereof would be a Constitutional war beyond imagine - it won't happen;*
- *embedded in all of what the Founders said and wrote seems to be a presumption of order and competence, achieved through rules, regulations, and limited controls - i.e. gun control of some kind isn't contrary to their intentions;*
- *after reviewing modern legal commentary, I find that they DON'T preclude some form of required training, control, and regulation;*
- *given the extreme comments by certain leaders of the gun control movement, some "paranoia" by gun enthusiasts can probably be understood and forgiven;*
- *strong supporters of aggressive gun control include a very interesting cast of characters - some just conventional progressives, some slightly (at least) unsavory politicians, and some very disgusting contemporary and historical characters; and*
- *the current definition of "assault rifle" is based mostly on appearance not firepower, i.e. based on cosmetics, not how lethal it is! What a waste of time and resources!*



Unalienable Rights

After the Constitution was ratified in 1788, there was some criticism, particularly among the "Anti-Federalists" that it contained few guarantees of individual rights. They felt that for the Constitution

to grant such sweeping powers to the central government without simultaneously protecting life, liberty, and property seemed very wrong. Violations of liberty by the British had led to grievances which had been enumerated in the Declaration, but in the opinion of the Anti-Federalists, the Constitution did not adequately address these and hence the motivation, in 1791, to address the apparent deficiencies. Heeding and respecting these concerns, James Madison, then a member of the U.S. House of Representatives, led Congress to adopt **10 amendments that became known as the Bill of Rights**. Much of this “Bill’s” list of “rights” focus on individual liberties that had been cited in the Declaration of Independence.

A close look at the wording of these amendments is interesting: “Congress shall make no law” ... “shall not be infringed” ... “no soldier shall...without consent” ... “shall not be violated” ... “no person shall be held” ... “nor shall any person be subject” ... “nor shall be compelled” ... “nor be deprived” ... “shall not be required”. While these amendments certainly deal with individual rights, these words demonstrate that **the framers intended them as absolute limitations on the power of government**.

It is the job of the Supreme Court to decide whether a law impinges upon the liberties listed in, or implied by, the Bill of Rights. The “hard part” of this responsibility is to determine what rights are “implied.” And this has led to confusion, argument, and perhaps unfortunate laws and policies!

Negative Rights – Liberals Don’t Like the Bill of Rights, Apparently!

The Constitution’s “Bill of Rights” clearly had a lot to do with declaring absolute limitations on the power of the federal government. Liberals tend to be uncomfortable with this intent and refer to them as “negative rights.” Obama uses the same (derogatory, perhaps) terminology. I believe the implication is that they would like a positive enumeration of what the government can/must do. **And they’re doing something about it, it seems.**

This theory of the government providing rights directly contradicts our Founders’ idea that rights, per se, can’t be granted/endowed by anyone other than our Creator – i.e. they exist because we do. They felt rights can be infringed and the government exists to guard against that. These are two very different approaches to governing in the U.S.

Our Founders intended a very limited government with only specific enumerated powers and duties. **The progressive/liberal movement has adopted a philosophy that it’s the government job to find new and ever more expansive things to do FOR us such as providing health care and guaranteeing a minimum national income.**

Taking the idea of rights a step further, liberals managed in Roe v. Wade, to establish a **“woman’s right to choose”** based on part of the 14th Amendment. The Supreme Court ruled 7–2 that a right to privacy under the “due process clause” extended to a woman’s decision to have an abortion, at least during a majority of the pregnancy. It seems to some that they were able to create a “right” out of “whole cloth.”

If it’s a Right, Are You Entitled to it?

Must the Government Not Only Safeguard the Rights, but Also Provide Them

Looking at the prior section we can identify three things liberals have managed to define as rights: **health care, guaranteed minimum income,** and the **right to choose to have an abortion**. I could go further, but let’s stop there for now. It’s safe to say that for these three in particular, the

progressives want to not only declare them as a right, but to be the provider of those rights. Consider **government sponsored, financed and controlled healthcare**; add to that **family welfare payments, minimum wage laws, and refundable tax credits**; polish that off with controversial and evolving **mandatory coverage for birth control, “morning after” solutions, and for abortions themselves through insurance and arrangements made through the government supported Planned Parenthood Federation of America.**

Progressive/liberal progress in defining and expanding government provided “rights” is absolutely astounding!

I Was Thinkin’ – If the Bearing of Arms is a Right, then it Must Follow That

But hey! Wait a minute! Can gun enthusiasts and diligent 2nd Amendment supporters get in on the action?

If we can all agree there is a right to bear arms, at least at some level and with some degree of order and boundaries, **why can’t we use the precedence being established for other (less legitimate and manufactured) rights and require the government (taxpayers) to provide handguns, shotguns and rifles to anyone who qualifies! Hey! I think I’m on to something!**



Is Mr. Bakke being absurd? Of course! But unless one probes the “ridiculous” as well as the “sublime,” one doesn’t really see and understand important subtle hazards hidden within politely presented, but potentially harmful, radical policies or legislation! – Stephano Bakkovich, obscure but very wise political pundit, and a willing purveyor of opinions on just about everything.

May the father of all mercies scatter light, and not darkness, upon our paths. – George Washington, 1790 – from a letter to a concerned Hebrew congregation in Newport, Rhode Island, September 9, 1790.

This represents great wisdom from the Father of our country – a benediction that is enduring, universal, and ever relevant in our time. **For me, President Washington is praying for us to be SMART about how we tackle the important governance, economic, and security issues that challenge us today! – SB**

Thus far I have been trying to learn about guns and the 2nd Amendment. My next objective is to pull together some statistics which may not be widely presented, as well as empirical evidence as to regulation and its affect on violence and mass killings. This kind of information, as far as I can determine, has not been closely studied by the administration and the gun control enthusiasts in Congress, as they consider important gun control legislation. My agenda is only that we act deliberately, prudently, and in a manner consistent with our United States Constitution.