

LESSON 1

What Are Origins and Interpretations of the Right to Keep and Bear Arms?

The church bells rang in Concord, in the pre-dawn hours of April 19, 1775. The bells signaled neighbors to grab their muskets and rush to the bridge. A group of 800 British soldiers had been ordered to seize the colonists' weapons. By sunrise, a group of 150 locals called the Minutemen had gathered in the British troops' path. The colonists believed their rights as Englishmen included keeping their weapons. The two groups faced each other across the North Bridge, and then a shot rang out in the dawn air.

It was the "shot heard around the world." The American Revolution began in defense of the right to bear arms. The Founders remembered this right twelve years later when they wrote the Second Amendment to the Constitution.

READING TIP:

As you read, try to answer the questions in the subheadings.

What Were English Origins?

The right to bear arms in England dates prior to 1066. The tradition of militia also existed in medieval England. English law required men who owned land to have weapons and serve in their baron's militia. But as new religious and political ideas emerged, the government began to limit the right to bear arms.

By 1328, Parliament forbade Englishmen from carrying arms in public. After that, only the nobility and gentry could own guns. The English Bill of Rights in 1689 also gave gun rights only to some people. While the English Bill of Rights said Protestant individuals could own guns, it denied that right to the Catholic minority.

How Did the Colonists Use and Think of Guns?

Colonists learned how vital the right to bear arms was during their revolution against England. Trained militias of citizens were the first line of defense. The Sons of Liberty, a group of colonists who took the lead in resisting the British, and other individual colonists fought the British well before Congress was able to assemble, train, and equip the Continental Army. After the Revolution was over, the fresh scars of the war would remind Americans how important the right to bear arms was.

During the Revolution, most people owned guns. It is likely, however, that the Founders did not consider the right to bear arms universal or unlimited. Several colonies regulated guns. Many said women, free blacks, and Roman Catholics could not own them. States still denied free blacks the right to own and use guns well after the Revolution, fearing they would take up arms against white landowners.

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States also did not want a federal standing army. A standing army is a permanent military group maintained in peace, as well as war. The states demanded that they keep control of their own militia to protect themselves from federal tyranny. The inclusion of the Second Amendment in the Bill of Rights was a way to protect states and individuals from a central government with too much power.

What Are Interpretations of the Second Amendment?

Scholars, politicians, and the courts search through history and the law to find the meaning of the Second Amendment. Three issues lead the debate over guns today. They involve the origin of the right to bear arms, the meaning of the word “militia,” and the meaning of “people.”

Where does the right to bear arms come from? The English Bill of Rights (1689) clearly spoke of an individual right to bear arms. It did, however, only allow Protestants to own guns. Also, the right to bear arms stems from the colonial rights associated with a militia. The Massachusetts and Virginia Declaration of Rights mention that a well-regulated militia is the natural defense of a free government.

The second issue revolves around the definition of “militia.” Some scholars argue that the militia of the Second Amendment means state armies, like today’s National Guard.

According to this argument, the Second Amendment does not grant a single person’s right when it refers to “the right of the people to keep and bear arms.” Instead, they say the Second Amendment simply protects state militias from the federal government as the Anti-Federalists had insisted.

Others believe “militia” referred to a group of citizens. Since there was no official army or police force, some scholars argue that the “militia” was individual citizens who could be called to protect themselves and their neighbors.

Finally, does the Second Amendment mean “individuals” when it refers to “the people?” In *United States v. Verdugo-Urquidez* (1990), the Supreme Court said it does. The term “the people”...refers to a class of persons who are part of a national community.” The Fifth District Court affirmed an individual right to bear arms in *United States v. Emerson* (1999).

Whether the Second Amendment was meant to protect militias or individuals is not perfectly clear. But one thing is certain: without the right to bear arms, the colonists would never have won the Revolutionary War.

