

Amendment II (a.k.a. The Second Amendment to the U.S. Constitution)

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.

How SHOULD this declaration of a “right” be interpreted?

The goal of this analytical essay will be to break it down, piece by piece, in order to put all argument and debate over its intended meaning to rest. You will note that there are four parts to the above Amendment which are separated by three commas. And you will note in the above example I have colored each part differently. That will also assist us during this essay as we break things down.

First off, let's all agree that many people in the legal realm have cooked up all sorts of arguments, pro and con, about the **Second Amendment's** meaning and about what those who drafted it and voted to ratify it thought it meant, or what they intended it to mean. Hundreds, and perhaps thousands, of people have issued their opinions on this topic. So, based on that one simple fact alone, the meaning and intended consequences of this Amendment could be just about anything.

And that's the reason some people feel it is the words themselves which should rule the day.

During this analysis I will address each clause (a syntactic construction containing a *subject* {a noun which is the focus of the statement} and *predicate* {to proclaim; declare; affirm; assert} and forming *part* of a sentence, or constituting a whole simple sentence) within the amendment and some of the individual words.

Words in the English language are used to form parts of any given sentence or statement. Some are nouns, some are pronouns, some are verbs, some are adverbs, some are adjectives, etc. Likewise, some parts of each sentence might be clauses, and some might be phrases (a sequence of two or more words arranged in a grammatical construction and acting as a unit in a sentence), etc. In order to interpret any given sentence or statement one must learn to understand each and every word, the role each word plays in forming any given sentence or statement, and how they all come together in order to convey the “intended” information.

Second guessing a person's intent after the fact, once the words are laid down on paper or uttered verbally, should not become an exercise in verbal trickery. Understanding a given language and information conveyed via sentences involves someone who wishes to express something, by either writing it down or saying it, and it involves the person reading it or hearing it being able to have a grasp of the resulting communication without taking it out of context. If the person reading or hearing something wishes to interpret its meaning in a manner that was not intended then it is their own motives which are in question. Likewise, if the sender of the message wants those receiving it to accept it correctly, especially in written form, it is incumbent on them to choose their words wisely.

In the case of written words it is incumbent on the author to select words, clauses, phrases and sentences and to lay them down on paper in a manner which induces as little confusion as possible in order to achieve the desired outcome when others read said words. So, the first rule of written communication, which is very important in the case of drafting and issuing laws, is to select words and to link them together in a manner which results in the most readers understanding the message as possible, without a huge amount of confusion or misinterpretation.

However, those reading the words also have the responsibility to make a good faith effort to let the words “sink in” as written and to desire to act upon them according to their FACE VALUE; rather than according to the desires of the reader themselves. Twisting the meaning of laws, and the words that form them, is nothing more than an attempt at rewriting the laws themselves in order to evade their original effect and understanding.

In conclusion, the remainder of this analysis will be to take the WORDS of the **Second Amendment** and to derive the obvious conclusion and meaning directly from THEM (as they were laid down on paper); and not from the many opinions formed about them in the past.

Let us continue with the task at hand, and break down the parts of this Amendment...

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.

For some reason, the authors of this amendment decided to capitalize three special words within. That may have been a common way to emphasize key terms and to draw focus upon them. It is hard to tell for sure. But, it was not by accident. Take note of those words and the two words underlined above. That said...

- (A) “**A well regulated Militia**”... Note that this clause has no special meaning when it stands alone. As one reads these four words, one SHOULD conclude that the word “**A**” implies singular, the word “**well**” is a descriptor implying “good” or “acceptable”, the word “**regulated**” implies “controlled” or “guided” and the word “**Militia**” implies “an armed group of people” or “a collection of organized and armed personnel”... the word “**Militia**” is related to the word “military” in that it is of similar origin...

Origin of militia

1580–90; < Latin *mīlitia* soldiery, equivalent to *mīlit-* (stem of *mīles*) soldier + *-ia*

Thus, we have four words linked together to describe “an acceptably organized military type group”; nothing more and nothing less.

It is then followed by the next clause...

- (B) “**being necessary to the security of a free State**”... I won’t go word by word with this one. The point of this clause is to refer back to the first clause and to qualify the **reason** for including it to begin with. This clause is stating that “**A**” “**Militia**” is “**necessary to the security of a free State**”. Anyone reading these two clauses, as drafted and linked together...

A well regulated Militia, being necessary to the security of a free State

...should easily conclude that the author(s) wanted to point out that the security of a free State **necessarily** depends upon the existence of or the ability to form a well regulated Militia.

Keep in mind that there is no well regulated Militia unless the group that composes it is military in nature and, thus, **Armed** also.

A group of masked people marching down the street holding protest signs and clubs is not A well regulated Militia. Yet a group of **Armed** people organized, trained and gathered together to protect their free State with rifles, handguns, etc. (like those we know formed their own Militias and fought for our free State against Great Britain in the 1700s or against the south during the Civil War in the 1800s) very well might be A well regulated Militia.

Keep in mind also that these first two clauses were forming an important thought or idea, in and of themselves, when the authors selected the words forming them. They did not form these clauses using the words “A well regulated army” “being necessary to the security of a free State”. Rather than “army” they selected the word “Militia” instead. They most certainly knew that they wanted to express that a “Militia” was “necessary to the security of a free State” and that it was important to convey this concept; NOT an “army” “being necessary to the security of a free State”. People may argue this point in current times, but the selection of the word “Militia” (a group of citizens or people of a nation vs. a formal, often larger and long standing “army”) was not happenstance.

These two clauses, linked together, express something specific and important. They do not necessarily have a huge effect on the clauses that follow. They do not refer forward to them directly either. But, they certainly do **complement**, and they certainly were drafted prior to, the remaining and most important clauses to come, which are...

- (C) “the right of the people to keep and bear Arms”... Notice that this clause does NOT refer back to either of the prior two clauses. It simply and quite clearly reinforces a particular legal right of the people, which is, specifically, to keep and bear Arms. It does **not** say a limited and well regulated right of the people to keep and bear Arms. Nor does it say a right of only grown men to keep and bear only hunting rifles... or any other subset of the words people or Arms. It says the right of the people to keep and bear Arms. It specifies a simple right. Nothing more and nothing less. And that right is the right of the people [by the people and for the people] to keep and bear Arms.

That leads us to the last emphatic clause or phrase...

- (D) “shall not be infringed”... This final clause links back to the third clause also (just as the second clause links back to the first). It specifies that “the right of the people to keep and bear Arms” “shall **not be**” taken away or removed or destroyed. The word “infringed” means... to commit a breach or infraction of; or to violate or transgress. This fourth clause was added in order to assure the meaning of the third clause would not be violated or removed going forward.

Thus we have two groups of clauses appended in the following order. The first group reads as follows...

A well regulated Militia, being necessary to the security of a free State

The second group reads as follows...

the right of the people to keep and bear Arms, shall not be infringed.

Of these two groups, only the second group is able to grammatically stand alone. It could have just as easily been drafted as follows, without following the first group, and it would have retained its entire meaning independent of any other wording...

The right of the people to keep and bear Arms shall not be infringed.

Had it been drafted in this simple form there may have been less argument over the intent the drafters had behind formulating the amendment as a whole. And there most certainly would have been less room for argument over the amendment's meaning. However, there will still be those who might decide to parse the meaning of the words people and keep and bear and Arms and whether or not they might limit law makers from restricting the meaning of the words people, keep, bear, and/or Arms themselves; and how things like "commerce" (an economic term), which is mentioned in other parts of the Constitution, factor in. People will argue over just about anything given half a chance.

The **first two clauses** tend to be the most "controversial" (both rebelled against and/or pointed to) in nature. And the contextual debate over the first two clauses leads to most of the controversy expressed by folks who wish to restrict or regulate gun ownership. People often ask, "Why did the drafters select and include these extra clauses to begin with?" It is not easy to form a fully accepted and embraced argument or explanation on this topic when the desires and emotions of so many are at stake. And, because of prior Supreme Court rulings/opinions and events in history (such as mass killings), it is even more or less controversial than ever before. So, what follows should also be considered within the mix.

IF one reads the exact words, in their actual context (as part of the overall Amendment), it becomes very clear what the **first two clauses** are stating: in order to maintain a free State the people must have the ability to also maintain A Militia... but not necessarily an army...

A well regulated Militia, being necessary to the security of a free State

The selection of the word **Militia** is key, as many before me have pointed out. A Militia is formed by a group of people and those people bring (keep and bear) their Arms (the word that is covered by the right so specified) with them (in most cases) when activated within any given **Militia**. Rarely ever do you see anyone claim that the members of a **Militia** are armed by their government or anyone else. While governments may form armies, navies, air forces, and national guards they rarely ever form smaller groups of citizenry referred to as **Militias**.

The drafters and those who voted to ratify the **Second Amendment** may have wanted to express that “we the people” should be able to “keep and bear” (our own) “Arms” for many well founded reasons. But the **most imperative** reason is the one they decided to include directly within the amendment; in order to make sure that reason was never forgotten. And that reason was to assure that “we the people” would be able to form our own **Militias**, should the need ever arise once again, in order to maintain the security of our free State.

Thus, the first two clauses were appended at the beginning of the **Second Amendment** in order to **assure** that the last two clauses would never be forgotten.

NOTE: We the people also formed our own Constitutional Republic and we the people also elect our own Congresses and Presidents (our own Commanders and Chiefs) and we the people also own and keep and bear each and every weapon and military asset we arm our patriots in our ARMED forces with. All the assets of the United States Government belong, in whole or in part, to each and every citizen of the United States of America.

The fact that “we the people” often wish to defend ourselves, our homes, our relatives and neighbors, and our property, or to hunt, or that we may wish to utilize our firearms for sport, target practice, etc. really does not factor into the **primary reason** that the **Second Amendment** was drafted. The most important reason, from the actual amendment point of view, is to maintain the security of a free State *and everything which that objective implies*. The only way to achieve that objective, therefore, is via “the right of the people to keep and bear Arms” and to make sure that this right “shall not be infringed” upon.

Finally: Once a person decides to keep and bear Arms they are (or at least they *should* be), in effect, also embracing their responsibility to abide by the laws of the land and to **defend** not only themselves from harm but **the security of a free State** created for us all to live within.

Either way, from that point forward, it also means (indirectly) defending all the peoples’ ability to buy, sell, manufacture and/or otherwise own and carry (bear) Arms; which is yet another topic for consideration when it comes to various Federal, State and local laws other *people* have manufactured in order to undercut, limit or outright infringe on this one basic right.

Perhaps it would be a good idea for Congress to pass a law which abolishes all the other “gun control” laws and replaces them with one that simply says, “In order to exercise your right to keep and bear Arms, per the **Second Amendment**, you must also sign a declaration stating that... in the event the country or your home state ever needs to call upon you to come to its service and defense, by forming a required **Militia**, you will respond accordingly.”

That would pretty much put a nail in the debate’s coffin, once and for all.