

By Gary Porter, National Director, Constitution Leadership Initiative, Inc.

As promised: Gun Control. We will explore Gun Control in three parts: first we'll consider how the 2nd Amendment came to be, then how Congress and the Supreme Court has wrestled with the issue over the years, and finally how the issue is being viewed today.

The day before the Constitutional Convention adjourned on Sept 17, 1787, Virginia delegate George Mason tried in vain to have a Bill of Rights added to the document. As the primary author of Virginia's Bill of Rights, Mason could have whipped one up with ease. That his motion was defeated prompted Mason, Virginia's Edmund Randolph and Massachusetts delegate Elbridge Gerry to withhold their signatures from the completed document.

During the state ratification debates there was universal support for an individual right to bear arms and equally universal support for state militias (as opposed to a standing army, which was universally feared). Federalists and Anti-Federalists alike saw the people's right to bear arms as their protection from a tyrannical government, including the possibility of a standing army turned against them. Several states included with their ratification statements bills of rights and/or proposed amendments and many of these mentioned the right to bear arms. At the Virginia Ratifying Convention Delegate Zacharia Johnson expressed his concern that "[T]he people are not to be disarmed of their weapons. They are left in full possession of them." Delegate George Mason (remember him?) observed: "[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...."

After the Virginia convention, Delegate James Madison won his new congressional seat by a mere 336 votes over future-president James Monroe. Without those 336 votes it is fair to say that what we today call the Bill of Rights might never have seen the light of day. On June 8, 1789, freshman-Congressman James Madison proposed to the House what would eventually become twelve Constitutional amendments (the States would ratify ten of them), keeping his promise to the Virginia Convention delegates.

Madison's original wording of the Amendment was: "*The right of the people to keep and bear arms shall not be infringed.*" This wording was modified by the Senate to give us the now confusing inference that this right was exclusively connected to some militia purpose to give us the now familiar: "*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.*" As we will see in Part 3 of this series, arguments over whether this was intended to guarantee a collective or an individual right are specious.

Let's end this first essay with the words of St. George Tucker from his 1803 edition of Blackstone's Commentaries: "*The right of self defense is the first law of nature... Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.*"

Next up: the Supreme Court weighs in.

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