

# Shall not be infringed essay

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“ When Governments fear the people, there is liberty. When the people fear the government, there is tyranny. ” (Beck 35).

This quote is from one of the greatest men in the history of the United States of America, Thomas Jefferson, the father of the Declaration of Independence, and the third President of the United States. The validity of his statement is not only historical, but as pertinent today as it was when spoken anew. It is learned in schools across the nation, although the importance of the words depends on the teacher, school, and region of the country. During the revolutionary period, King George learned this same concept the hard way, “...an armed populace is a populace that will not be pushed around. ” (Beck 35). One of the rights that have been afforded to law abiding Americans is the right to bear arms.

There are many arguments regarding gun control laws in this country. From the founding of the United States, these arguments have been debated. Many objections to owning guns are based on lack of research, or believing someone who has an agenda to end the right. Precious few defense stories have been offered by the media reporting on how gun ownership helps protect property or has saved a life. Division regarding individual gun ownership has been a conflict since 1789, when discussions and subsequent inclusion of the Second Amendment of the Bill of Rights to the Constitution of the United States (Tindall 204). “ 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.

” (Beck 35). These words are second among the ten basic rights that are listed in the Bill of Rights, following only freedom of speech, religion, and expression. These twenty-seven words are arguably the most powerful, but also the most debated. Within the construction of the Second Amendment the “Militia” is specifically mentioned in the preamble. Many of those who advocate gun control say that this bill is strictly directing gun ownership for the purpose of a militia. These individuals are considering the preamble without looking further to review the actual Second Amendment wording. With further investigation of the text in the Second Amendment, there have also been several discussions that regard the wording of preambles of any laws. In *Arguing With Idiots*, Beck states: “In announcing one influential English decision in 1716..., the judge called the idea that a preamble can limit or redefine the operative text ‘a ridiculous notion.

’ The reporter noting the decision even wrote that ‘his Lordship’ rendered his decision ‘with some heat.’” (36). Even when addressed in court, those who would disagree with the limitations based on a preamble were met with opposition and argument. In the context of the Second Amendment, the preamble says, “A well regulated Militia, being necessary to the security of a free State...” (Beck 35) There is neither a limit to the lawful possession for protection, nor type of firearm owned. In the mid-nineteenth-century a legal treatise stated, “When the words of the enacting clause are clear and positive, recourse must not be had to the preamble.

” (Beck 37) This interpretation further indicates that the preamble is nothing more than an introduction, and not to indicate the entirety of the laws written. In other words, if the enacting clause, “...the right of the people to  
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keep and bear Arms, shall not be infringed. ” (Beck 35) is clear then the preamble is of lesser importance and does not limit the rest of the power of the law. A more modern example of this same precedent: “In a radical break from 70 years of Supreme Court precedent, Justice Antonin Scalia, writing for the majority, declared that the Second Amendment guarantees individuals the right to bear arms for nonmilitary uses, even through the amendment clearly links the right to service in a “ militia.

”(Beck 36) The decision made by Justice Scalia was in 2008, four years after the assault weapons ban had expired (Assault Weapons, 2010). The most interesting part of the Second Amendment lies within the last four words, “... shall not be infringed. ” Webster defines Infringe to mean “ to encroach upon in a way that violates law or the rights of another”. Investigating all ten of the amendments to the Bill of Rights, only the second specifically ensures that this be expected. The only true power that the people of a nation can have over their government is the ability to remove it if it becomes more powerful than the people. This is a belief that is continuously defended or confronted around the world and throughout history. Unfortunately, when the people have an army standing between them and the government, the means to fight become very important, albeit difficult. The federal government of the United States, when they attempt to create laws on gun control, does not have the law on their side.

Thanks to the founding fathers of the United States, this right is ensured through time. They understood that any form of government can become corrupt and eventually the people will need a legal way to ensure that they can take back their personal liberties if it becomes necessary. In the period

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of time before the United States became the young country it is today, in order to secure and protect established borders, the colonists were in need of the assistance of the standing army of King George, the British Red Coats. As soon as the colonists decided to revolt excessive taxation and other mandates being imposed on towns and states, they began to form their own army; the militia. These military organizations were not approved by Royal Decree or Divine guidance. Ordinary citizens, colonists of the British Crown, took up arms against tyranny and irresponsible governing by the king. Today, militia is understood to be a ‘ people’s army’. It is a group whose purpose is to fight for the rights and protection of the people instead of for a government.

Regarding the term militia and its definition Beck states: “ The colonies, then the states, and now the federal government have long declared exactly which part of the population might be organized as ‘ militia. ’ Today, federal law defines ‘ the militia of the United States’ to include all able-bodied males from 17 to 45 and all members of the National Guard up to age 64, but excluding those who have no intention of becoming citizens and active military personnel. ” (40-41). To translate this more simply, it has been established that every male citizen in our society between the ages of 17 and 45, those who desire to become citizens, and members of the National Guard, are considered militia in the United States. Active military personnel are not militia because they are already serving in the nation’s armed forces. Requiring those men to serve in both the standing army and the militia would not be a reasonable request, and could be considered a conflict of interest.

The armed forces have their duty to the federal government. The militia has a duty to the people of the United States to protect our own borders and people. In order to responsibly ensure that one's right to bear arms is properly protected, gun education is necessary. Education regarding firearms goes much deeper than just how to use them.

Each state has its own hunter's education program. These courses teach basic safety of firearms. Programs are carefully planned to meet guidelines required by each state. Firearm safety is just one important portion of gun education. Learning when to use weapons is another important factor. Shooting ranges are an excellent location to learn to use a firearm. Not only do they provide a location, usually within the city limits, to safely practice, but they also carry a wide array of different types of fire arms for their customers to use.

The ability to use an assortment of guns and rifles allows those interested to have a greater knowledge of how each operates. Additionally, the most important part of education is what happens in areas that have intense gun control, like schools. Ann Coulter, in her book *If Democrats Had Any Brains, They'd be Republicans*(124-125), talk on this subject briefly.

She references the cases of: \* 2007: "... a deranged student killed thirty-two people at Virginia Tech. " \* 2006: " At the Amish school shooting..., the killer murdered five little girls and then committed suicide. " \* 1999: " At Columbine High School..., two students killed twelve people before ending the carnage themselves by committing suicide. " \* 1998: "... two students in Craighead County, Arkansas killed five people, including four little girls,

before deciding to attempt an escape. ” \* 1996: “... Dunblane, Scotland, an adult shooter killed seventeen, then committed suicide. Each of these cases ended when the shooter decided to end the assault by either committing suicide or when they ran out of ammunition. These murders make guns appear to be evil.

In larger context, few individuals with access to firearms use them in violence against others. There is, of course, another side of the spectrum: \* 2001: “... in Santee, California... When a student began shooting classmates, the school promptly activated its ‘ safe-school plan,’... Unfortunately, the ‘ safe-school plan’... [sending] in an unarmed ‘ trained campus supervisor’ to stop the killer... The killer promptly shot the ‘ trained campus supervisor. Fortunately, an armed San Diego policeman happened to be bringing his daughter to school that day. He stopped the killer—with a gun—and held him at bay until more police could arrive. Two dead. ” \* 2002: “... an immigrant student in Virginia started shooting his classmates at the Appalachian School of Law. Two of his classmates in another part of the building retrieved guns from their cars, approached the killer, and forced him to drop his weapon, allowing a third classmate to tackle him. Three dead.

” There are more instances as well. According to an MSNBC report the Fort Hood, Texas shooting, “ An Army psychiatrist who opened fire at Fort Hood, Texas, killing 12 people and wounding 31 others, was shot but captured alive...” This shooting was performed by Major Nidal Malik Hasan and was stopped only when another person in attendance took it upon herself to try to stop this slaughter. This case is still being heard in court. The Army Major was reportedly a Muslim sympathizer who did not want to be deployed to the <https://assignbuster.com/shall-not-be-infringed-essay/>

Middle East because of his strong religious convictions. Historically, there is little to debate from within the Second Amendment of the Constitution. To most it is very specific, well defined, and above contestation.

People living in the United States make many decisions based off a few mentally unstable or dangerous individuals. Making laws to eliminate dangerous people from getting firearms tends to only limit law abiding citizens. Most crimes committed involving firearms are by criminals such as gang members, felons and few others who did not legally obtain their firearms. This poses a problem because if they control ownership by the law abiding citizens then only criminals will have the guns. Once convicted of a felony, a person has given up many of the rights that are granted to all law abiding citizens.

They are considered unworthy of opportunity, and it becomes apparent to the courts and the general public that they have the potential to continue their life of crime if they are given weapons. They had their chance to follow the rules and they chose an alternative path. Very few crimes are committed by law abiding gun users and owners. E pluribus unum: of the many, one.

It is printed on our money, and is a motto to live by as a citizen of the United States. In the course of gun control, many politicians believe that the many should be punished because of the one. Is this reasonable? Bibliography” Assault Weapons.

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