

What About the Second Amendment?

As our society has grappled with gun violence and gun regulation, we often hear the phrase "...shall not be infringed." This is a clause from the Second Amendment of the US Constitution.

The implication seems to be that the Second Amendment guarantees a right so sweeping that no restriction shall be placed upon it.

Like many things in life, just looking at part of the narrative misses important context.

Here is the complete Second 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."

There are many interpretations as to why the Second Amendment was included in the Bill of Rights. Some historians believe it reflected anxiety by the original 13 states that they would be overtaken by a powerful Federal government. They wanted to ensure they could continue to raise and deploy a state militia to fight off potential tyranny.

The Second Amendment was rarely discussed for over 100 years after it was approved. In fact, two major gun regulation bills were passed without debate over Second Amendment rights. (The National Firearms Act of 1934 and the Gun Control Act of 1968.)

In the 1970s, a few academic scholars began to examine the Second Amendment as an "individual right." A series of court cases followed.

So, where are we today?

Applying the Constitution in Today's World

The US Supreme Court determines how the Constitution applies to today's society.

In 2008, the Court heard a case called District of Columbia vs. Heller. The case centered on a handgun restriction the District of Columbia had put in place. The question was whether this infringed on the Second Amendment rights of the plaintiff, Heller.

In a 5-4 decision, written by conservative justice Antonin Scalia, the Court affirmed the right of an individual to own a firearm for reasons not connected to a militia. The Court also said:

"Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose."

What is the Appropriate Balance?

Since the Supreme Court has affirmed both the right of an individual to own a gun for purposes not connected to a militia, and the right of the government to regulate guns, the core of today's debate is: What's an appropriate balance for the presence of guns in our society?

What do you believe is a balance we can all live with?