

Grammar and the Second Amendment

The Founders of this great nation knew their history. The new government and its people, having no standing army, needed “well regulated militias” to defend against would-be invaders. They were also aware of the English Bill of Rights, the model for our own Second Amendment, written to assure that no king could deprive citizens of their right to self-defense.

The Founders also knew the English language: The Second Amendment reads as follows: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to bear Arms, shall not be infringed.” The Founders knew that “a well-regulated Militia” in this amendment was the dominant clause. They knew, too, that that “the right of the people to bear Arms,” is the subordinate clause that qualifies the words in the first, “a well-regulated Militia.” It wasn’t until 2008 that the Supreme Court established an “individual rights” interpretation of the Second Amendment. And, even though the Court used that interpretation, it explained that arms be used for traditionally lawful purposes, such as self-defense within the home. (*District of Columbia v. Heller*, 554 U.S. 570 (2008)).

I’m not suggesting that citizens don’t have the right to defend themselves and their families. I am saying that reasonable regulations may be imposed on the type of weapons we purchase, and that universal background checks, rather than being an infringement on our right to bear arms, represent part of our contract as Americans, our acknowledgement that there is a common good for which we’re individually and collectively responsible.

Those who pride themselves on being “strict constitutionalists” should return to the grammar used in the Second Amendment. The government is not about to take our guns, nor is it plotting to strip us of other freedoms. The Founders never envisioned, however, that citizens would have easy access to assault weapons and huge capacity magazines. Those who condemn every check on their access to weapons and ammunition as an “infringement,” or “none of the government’s business,” should really get serious about adhering to

the meaning of the Constitution at the time of its writing: Let them, as a wise wag said, “bear muskets.”

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