

Sixth in a Series on the Bill of Rights

THE RIGHT TO BEAR ARMS

BY ROBERT W. PETERSON

This year is the 200th anniversary of the Bill of Rights—the first 10 amendments to the U.S. Constitution. The Bill of Rights is the cornerstone of our liberty. Each month Boys' Life examines how one section of it protects your rights.

Of all 10 amendments in the Bill of Rights, none is so hotly debated as the second. The debate is over whether some gun control laws are constitutional.

The Second Amendment reads: "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."

When the Bill of Rights was ratified, each of the 14 states had its own militia, or citizen army. Every able-bodied man was automatically a member of his state's militia. If a military force was needed, men left their regular jobs and joined the militia. (At the time, the U.S. Army had only 840 men because the Founding Fathers feared professional armies.)

Some legal scholars argue that the Second Amendment's main purpose was to protect a state's right to maintain its militia. Therefore, they say, the amendment does not protect an individual's right to own a gun. (But they do not suggest banning guns used for sport.)

Others think the amendment *does* protect gun ownership. They point out that most of America's

The Second Amendment:

- **Protects an adult citizen's right to own some types of firearms.**

- **Allows Congress and the states to regulate firearms.**

four million people in 1791 lived in isolated settlements. They needed guns to hunt for food and to protect their homes—not just for service in the militia. So, these experts say, the Second Amendment was written in part to make sure people could keep their firearms.

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The debate is about *which* guns people may keep and about licensing and regulating the use of guns. The State of California and several cities have banned military-type assault rifles. A few

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towns also ban handguns.

Few Second Amendment cases have reached the Supreme Court. In the first that did, the Court said in 1876 that "The bearing of arms for a lawful purpose is not a right granted by the Constitution."

In two later decisions, the Court ruled that the Second Amendment is designed to keep the Federal government from disarming state militias. The Supreme Court has issued only one written opinion in a firearms case this century. In 1939 it decided that sawed-off shotguns could be prohibited because they are of no use to militiamen.

In 1983, the Supreme Court refused to review a lower court decision upholding a ban on handguns by the city of Morton Grove, Ill. That meant the decision stood.

In 1986, Congress prohibited the sale or purchase of new, fully automatic machine guns. (Individuals could still own machine guns they bought before 1986.) A gunmaker in Georgia challenged the ban on machine guns. In January of this year, the Supreme Court let it stand.

Both sides in the debate agree that guns can be kept from children, drug addicts, people convicted of serious crime, and mentally retarded citizens. But agreement ends there.

No doubt the debate will go on until the Supreme Court gives a clear-cut ruling on the meaning of the Second Amendment. ♦