



Written by [Joe Wolverton, II, J.D.](#) on July 15, 2016

HuffPo Editorial: Second Amendment “Never Meant to Protect an Individual’s Right to Own a Gun”

The Second Amendment “was never meant to protect an individual’s right to own a gun.”

That is the statement — the historically, constitutionally, and grossly incorrect statement — made by Larry Harris, Jr. in an op-ed published by the online Huffington Post.

Harris’ goal is to persuade policymakers and politicians to consider “the idea of amending the Second Amendment to limit gun ownership to the military and hunters (i.e., actual hunting weapons).”

This, he declares, would be more in concert with the original intent of the Second Amendment.

By Harris’ reading of history, “The Founding Fathers clearly intended through the Second Amendment to protect the right to arm an organized militia.”

Wrong. One hundred percent wrong.

It feels a bit ridiculous to have to school someone of Harris’ educational credentials (“Harvard grad”) on points of historical and constitutional history that are so easily discovered by a cursory Google search, but when a person makes statements such as those made by Harris in his article, such lessons are necessary.

First, with regard to the idea that the Founding Fathers “clearly intended” that the Second Amendment guarantee guns could be kept and borne only by the “organized militia,” Harris is probably more correct than he knows. In fact, it is likely that once he reads how right he is on this point, he will want to amend his call for an amendment.

What is the militia, according to the Founders?

“The supreme power in America cannot enforce unjust laws by the sword; because *the whole body of the people are armed*, and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States,” explained Noah Webster, writing in 1787 under the pseudonym “A Citizen of America.” (Emphasis added.)

How about this nugget written in January 1788 by a writer known only as “The Republican”:

It is a capital circumstance in favor of our liberty, that *the people themselves are the military power of our country*. In countries under arbitrary government, the people oppressed and dispirited, neither possess arms nor know how to use them. Tyrants never feel secure until they have disarmed the people. They can rely upon nothing but standing armies of mercenary troops for the support of their power. But *the people of this country have arms in their hands; they are not destitute of military knowledge; every citizen is required by law to be a soldier; we are all martialled*



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into companies, regiments, and brigades, for the defense of our country. This is a circumstance which increases the power and consequence of the people; and enables them to defend their rights and privileges against every invader. [Emphases added.]

The delegates in New York who voted to ratify the Constitution “clearly intended” to express their understanding of the identity — the traditional, historical, constitutional identity — of the militia when they wrote, “That the people have a right to keep and bear arms; that a well regulated militia, *including the body of the people capable of bearing arms*, is the proper, natural, and safe defense of a free state.” [Emphasis in original.]

Virginia’s ratifying document contained a similar provision using almost identical language.

Finally, on this point, perhaps there is no clearer expression of the intent of the Founders with regard to the arming of a well-regulated militia and just who they considered members of that armed force than the Militia Act of 1792.

Prior to the enactment of that law, President George Washington spoke to the House of Representatives, saying that “a free people ought not only to be armed, but disciplined.” In response to this exhortation and as an indication of their own legislative will, Congress adopted the Militia Act of 1792, which required every “free able bodied white male citizen” between the ages of 18 and 45 “to provide himself with a good musket or firelock,” and the requisite type and amount of ammunition.”

Henry Knox, Washington’s secretary of war, was the sponsor of this bill, and during deliberation on the matter he echoed his boss’s point of view, saying that “all men of legal military age should be armed,” claiming that such a force of citizen soldiers is the “capital security of a free Republic.”

And to put a cap on the concept, during congressional consideration of the proposal, Thomas Fitzsimmons of Pennsylvania said, “As far as the whole body of the people are necessary to the general defense, they ought to be armed.”

In light of this — to him — new information, I’m sure Harris will want to remove his “only the militia should be armed” clause from his proposed Second Amendment rewrite. For, as the above so clearly evinces, *to arm only the militia would be to arm every American capable of bearing arms.*

Now, to the claim that the Second Amendment was not intended to protect the right of the individual to be armed, the above referenced material should be sufficient, but there is so much more documentary evidence disproving Harris’ position that it is necessary to present it for the sake of scholarly accuracy.

Our Founding Fathers very well intended that every American be armed, believing that such was the only way to avoid being enslaved by tyrants. They knew from their study of history that a tyrant’s first move was always to disarm the people, and generally to claim it was for their safety, and to establish a standing army so as to convince the people that they didn’t need arms to protect themselves, for the tyrant and his professional soldiers would do it for them. Sound familiar?

Consider this gem from William Blackstone, a man of immense and undeniable influence on the Founders and their understanding of rights, civil and natural.

In Volume I of his *Commentaries on the Laws of England*, Blackstone declares “the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression.”

Would anyone in America — or the world, for that matter — argue that the “sanctions of society and laws” are sufficient to “restrain violence” or oppression?



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Thus, the people must be armed.

Commenting on Blackstone's *Commentaries*, eminent Founding Era jurist and constitutional scholar St. George Tucker put a finer point on the purpose of protecting the natural right of all people to keep and bear arms. He wrote,

This may be considered as the true palladium of liberty.... The right of self defense is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. 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.

Enough said.

Larry Harris, Jr. presented two points in support of his proposed alteration of the Second Amendment: first, that the Founders never intended to protect the right of the individual to keep and bear arms; second, that our Founders believed that only the militia should be armed.

With both of these points so fully obliterated by the foregoing, Harris, the Huffington Post, and all those who likewise believe and bellow this patently false revisionist history should reconsider why they are advocating for civilian disarmament and what the ultimate outcome of monopoly control of weapons by the government might be.

I'll give the last word to Solon, the lawgiver of Athens, who in 560 B.C. scolded the recently disarmed Athenians, reminding them:

If now ye suffer grievously through cowardice all your own,

Cherish no wrath against the gods for this,

For you yourselves increased the usurper's power by giving him your guard in his hands,

And now, therefore, as his servants you must do as he commands.



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