



The Second Amendment of The United States Constitution

The Second Amendment to the US Constitution was a historical amendment relating to the rights and responsibilities of the US citizens in bearing arms. The amendment was enacted as part of the Bill of Rights in the context of the first Ten Commandments in the Bill. With the support of the Virginia state legislature, the ratification of the amendment took place in December 1791. As per the provisions of the United States Supreme Court, the rights to hold and bear arms belong to the individuals. Also, the Supreme Court ruling stated that the rights were limited and did not prohibit regulation of firearms and similar devices. The Federal government, in infringing the firearms rights as per the Bill of Rights Incorporation, enjoys the same rights as the state and local governments.

The second amendment, swayed by the 1869 English-based Bill of Rights, was based on the partial right to bear and keep firearms as it was provided by the English Common law. According to English Judge, Sir William Blackstone, the rights to hold and bear firearms by US citizens were an auxiliary right for all. In this case, the weapons were meant for the fundamental right of personal defense, civic duty to act in defending the state and the resistance to oppression from the oppressors. Numerous cases have been determining in the Supreme Court over the years concerning the validity of states in banning of bearing and keeping the shotguns by the American citizens. This paper will dig deeper into that.

Text of the second amendment

The second amendment, which was passed by the Senate and House, was clear that the militia which was well-regulated was crucial to ensure the security of America was the basis of offering the rights to possess and bear firearms (Van Alstyne, pg. 1236-1255). The original language used to scribe the second amendment has created considerable debate on the intended scope that was aimed at the House and the Senate.

On the other hand, some legal experts are of the view that the 'the right of the people to bear and keep firearms' phrase was meant to give individual rights to the US citizens on holding and keeping firearms. As per the provisions of the 'individual rights theory', the legislative bodies in the USA are prohibited from restricting the possession of firearms. Further, the theory argues that any amendments that prohibit and restrictively regulate the right to hold and bear firearms by the US citizens are unconstitutional.

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F Rizvi



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The Right to Bear Arms Robert J. Spitzer, 2001-11-28 An objective examination of the Second Amendment focusing on the intentions of its authors its evolution from America's beginnings to the present and the views expressed by the courts In *The Right to Bear Arms* Rights and Liberties under the Law the first volume in ABC-CLIO's America's Freedoms series political scientist Robert J. Spitzer combats hysteria and rhetoric with simple facts He takes no position on whether more or fewer gun control laws are needed or whether guns are good or bad Instead he traces the roots of the Second Amendment analyzes the opinions and intentions of its authors follows its application and evolution from its beginnings and explores the views expressed by the courts He then carefully compares the intended and the implied meaning of this amendment with the views expressed by the entire spectrum of groups involved in the gun control issue Armed with the facts readers can decide for themselves

The Cult of the Constitution Mary Anne Franks, 2023-05-25 A powerful challenge to the prevailing constitutional orthodoxy of the right and the left A deeply troubling and absolutely vital book Mark Joseph Stern Slate In this provocative book Mary Anne Franks examines the thin line between constitutional fidelity and constitutional fundamentalism *The Cult of the Constitution* reveals how deep fundamentalist strains in both conservative and liberal American thought keep the Constitution in the service of white male supremacy Franks demonstrates how constitutional fundamentalists read the Constitution selectively and self-servingly thus undermining the integrity of the document as a whole She goes on to argue that economic and civil libertarianism have merged to produce a deregulatory free market approach to constitutional rights that achieves fullest expression in the idealization of the Internet The fetishization of the first and second amendments has blurred the boundaries between conduct and speech and between veneration and violence But the Constitution itself contains the antidote to fundamentalism *The Cult of the Constitution* lays bare the dark antidemocratic consequences of constitutional fundamentalism and urges readers to take the Constitution seriously not selectively *Anti-crime Program* United States.

Congress. House. Committee on the Judiciary, United States. Congress. House. Committee on the Judiciary. Subcommittee No. 5, 1967

Dual Distribution United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Antitrust and Monopoly, 1966

Proposed Amendments to Firearms Acts United States. Congress. House. Committee on Ways and Means, 1965 Considers Administration's gun control proposals to prohibit mail order retail sales of guns to prohibit firearms sales to minors to restrict ownership of military firearms such as antitank guns bazookas and hand grenades to increase Federal license and registration fees and to promote state gun control efforts *INSCOM Journal*, 1992

Federal Firearms Act United States. Congress. Senate. Judiciary, 1965 Hearings United States. Congress. House. Committee on Ways and Means, 1965

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Association,1888 Includes a directory of members **Hearings, Reports and Prints of the House Committee on Ways and Means** United States. Congress. House. Committee on Ways and Means,1966 **Hearings, Reports and Prints of the House Committee on the Judiciary** United States. Congress. House. Committee on the Judiciary,1967 **Hearings** United States. Congress. House,1967 Hearings United States. Congress. House. Committee on the Judiciary,1967
 Congressional Record United States. Congress,1995 *The Bill of Rights in Modern America* David J. Bodenhamer,James W. Ely,2022-04-05 As the 2020s began protestors filled the streets politicians clashed over how to respond to a global pandemic and new scrutiny was placed on what rights US citizens should be afforded Newly revised and expanded to address immigration gay rights privacy rights affirmative action and more The Bill of Rights in Modern America provides clear insights into the issues currently shaping the United States Essays explore the law and history behind contentious debates over such topics as gun rights limits on the powers of law enforcement the death penalty abortion and states rights Accessible and easy to read the discerning research offered in The Bill of Rights in Modern America will help inform critical discussions for years to come **Colorado Municipalities** ,1929 **Proposed Amendments to Firearms Acts, Hearing** United States. Congress. House. Committee on Ways and Means,1965 **Federal Firearms Act** United States. Congress. Senate. Committee on the Judiciary. Subcommittee to Investigate Juvenile Delinquency,1965

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