

“to keep & bear Arms”; Prohibition; Implication

To maintain freedom from bondage, the Founders sought to enumerate certain rights. However, this alarmed many since to enumerate some rights but not all might allow the government to limit those not enumerated. Commentary on this point is interesting.

Malcolm, Joyce Lee. *To Keep and Bear Arms: The Origins of an Anglo-American Right*. Cambridge: Harvard University Press, 1994, p. 149:

In an essay printed in 1772 entitled “*The Rights of the Colonists*,” Samuel Adams listed “*Natural Rights of the Colonists as Men*,” and in this category he put their right to life, liberty, and property “*together with the right to support and defend these in the best manner they can*.” These were, he argued, “*deductions from the duty of self-preservation, commonly called the first law of nature*.” According to this theory, Americans retained all their rights without having to list or specify them. George Nicholas later argued this same point in regard to the absence of a bill of rights in the original federal constitution: “*A bill of rights is only an acknowledgement of the preexisting claim to rights in the people. They belong to us as much as if they had been inserted in the Constitution*.”

Theorists also pointed out that since the new states were republics the people had never relinquished their personal liberties and a list of protected rights was therefore superfluous. Indeed, a list might imply that state governments had some control over such rights.

Nevertheless, the first eight amendments, enumerating some 27 natural rights, were appended to the Constitution. Mentioned sixth among the 27 is the right to keep and bear arms.

Summing up the entire concept of the original intent of the Second Amendment are these comments by several of our Founders:

Halbrook, Stephen P. *That Every Man be Armed*. Albuquerque: University of New Mexico Press, 1984. Reprint. Oakland: The Independent Institute, 1984; 74-75:

George Mason pointed out that pro-British strategists resolved “*to disarm the people; that it was the best and most effectual way to enslave them ... by totally disusing and neglecting the militia*.”

Zachariah Johnson argued that the new Constitution could never result in religious or other oppression because “*the people are not to be disarmed of their weapons. They are in full possession of them*.”

The state-ratifying conventions recommended certain declarations of rights which became the immediate source of the federal Bill of Rights. Each and every recommendation that mentioned the right to keep and bear arms clearly intended an individual right.

Samuel Adams in the Massachusetts convention said:

“that the Constitution be never construed to authorize Congress to infringe the just liberty of the press, or the rights of conscience; or to prevent the people of the United States, who are peaceable citizens, from keeping their own arms.”

The Pennsylvania proposals included the statement:

“that the people have a right to bear arms for the defense of themselves, their state, or the United States, and for killing game, and no law shall be enacted for disarming the people.”

New Hampshire included a provision that:

“Congress shall never disarm any citizen, unless such that are or have been in actual rebellion.”

George Mason in Virginia suggested:

“that the people have a right to keep and bear arms; that a well regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defence of a free state; that standing armies, in time of peace, are dangerous to liberty and therefore ought to be avoided.”

The New York convention predicated its ratification of the Constitution on the following proposition:

“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.”

Explicit in this language are the two independent declarations that individuals have a right to be armed and that the militia is the armed people. Similar language was adopted by the conventions of Rhode Island and North Carolina.

It seems appropriate at this point to insert the view held by the State of Missouri on the subject of the right to bear arms as it appears in its Constitution. The document, originally ratified in 1875, begins with the following Preamble:

We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do establish this Constitution for the better government of this state.

The first entry under Article I is the state’s Bill of Rights and contains this introductory remark:

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare:

Then enumerated in 32 sections is the State of Missouri’s Bill of Rights. The right to keep and bear arms is found in:

Section 23. Right to keep and bear arms—exception. That the right of every citizen to keep and bear arms in defense of his home, person and property, or when lawfully summoned in aid of the civil power, shall not be questioned; but this shall not justify the wearing of concealed weapons.

From all this we may conclude that the word “*keep*” means that the private citizen may own a firearm for the purpose of restraining the machinations of any federal official from improperly using the federal government’s standing army against the people.

The word “*bear*” means that these legally owned weapons may be displayed publicly and used with impunity in the self-defense of one’s life, person, family, home, property, and possessions.

The people’s imperative mood directed towards the federal government is one of prohibition and forms the final phrase of the Amendment.

D. “shall not be infringed”

The verb “*infringe*” entered into the English language as early as 1533 and its definition has always remained the same. We will note the entries of:

a. **The Oxford English Dictionary:**

1. To break down, destroy, defeat, frustrate, cancel, invalidate. 2. To commit a breach or infraction of a law, obligation, or right; to violate or break an oath, pledge, or treaty; to transgress or contravene. 3. To refute, contradict, or deny. 4. To break the force of or diminish the strength of; to weaken, enfeeble, impair, or mitigate. 5. To break in or encroach upon.

b. **Webster's Ninth New Collegiate Dictionary:**

1. To encroach upon in a way that violates law or the rights of another. Implies an encroachment clearly violating a right or prerogative.

The word “*encroach*” itself has an interesting definition when viewed in our context. **Webster's** defines it as a:

“gradual or stealthy entrance upon another’s territory or usurpation of his rights or possessions.”

The obvious intent of the Founders in selecting this word was to convey the idea that the federal government was prohibited from even minor restrictions on the right of the people to keep and bear arms. This means that if any federal laws are passed with regard to private use of weapons they may in no way infringe upon the peoples’ right to keep them or bear them.

Logically then, the federal government may pass laws with attached penalty clauses prohibiting the criminal misuse of weapons, i.e, the use of a weapon in the commission of a felony.

However, no law may be imposed which in any way restrains the right of the citizen to own weapons, possess weapons, or display weapons. This freedom was considered by our Founding Fathers to be a natural and inalienable right so self-evident that it could not even be slightly altered by governmental encroachments.

This then is an analysis of the Second Amendment with regard to original intent. In our biblical studies, after an isagogical, categorical, and exegetical analysis, we come up with a corrected and expanded translation. Let’s try that here with the Second Amendment:

An instant reaction force of an alert, trained, and prepared citizenry, being necessary for the defense of each individual state’s freedom from a standing national army, the inalienable and natural right of the people to keep in their possession and to publicly display firearms shall not in any way be infringed.

In the day and age of smart bombs, F-18s, cruise missiles, and a permanent standing army, navy, air force, and marine corps, some argue that the original intent of the Second Amendment is rendered moot. I beg to differ, sir.

Wayne LaPierre addresses this issue in his book, Guns, Crime, and Freedom.

LaPierre, Wayne R. Guns, Crime, and Freedom. Washington: Regnery Publishing, Inc., 1994; pp.19-20:

The twentieth century provides no example of a determined populace with access to small arms having been defeated by a modern army. The Russians lost in Afghanistan, the United States lost in Vietnam, and the French lost in Indo-China. In each case, it was the poorly armed populace that beat the “modern” army. In China, Cuba, and Nicaragua, the establishment leaders, Chiang Kai-shek, Battista, and Somoza lost. Modern nations like Algeria, Angola, Ireland, Israel, Mozambique, and Zimbabwe only exist because guerrilla warfare can triumph over modern armies. While we may not approve of all the resulting governments, each of these triumphs tells a simple truth: a determined people who have the means to maintain prolonged war against a modern army can battle it to a standstill, subverting major portions of the army or defeating it themselves or with major arms supplied by outside forces.

LaPierre then goes on to point out that security of a free State against a standing army is not the only reason the Founders insisted upon the sanctity of the right to bear arms.

LaPierre, Wayne R. *Guns, Crime, and Freedom*. Washington: Regnery Publishing, Inc., 1994; pp.20:

The Founders' purpose in guaranteeing the right to keep and bear arms was not merely to overthrow tyrants. They saw the right to arms as crucial to what they believed was a prime natural right, i.e., self-defense.

It is comforting for us to learn of our Founding Fathers' opinion that keeping and bearing arms is a natural and inalienable right imputed to mankind at physical birth.

However, it's quite another thing when it comes to proving it. How does one determine what is a natural and inalienable right? For us, that is easy to answer—it must be verified by Scripture.

Before we look at the biblical mandate to be armed, let's take a look at the rationales which establish rights.

III. "Right" Implies an Immutable Divine Standard

Rights emerge from God's righteousness and justice. When God commands the believer to do something then we classify that as a divine standard which we are obligated to fulfill. If righteousness demands that we comply with its standards then justice must ensure that there are means for us to do so.

It is interesting to contemplate that human rights exist for the benefit of the believer in Jesus Christ and the entire heathen world is blessed by association.

Let me illustrate by taking one divine mandate with which you are all familiar and then show that all the rights required to fulfill it are contained in the First Amendment to our Constitution.

Hebrews 10:24 - Let us consider how to stimulate one another to virtue love and divine good production,

Hebrews 10:25 - not forsaking our own assembling together, as the habit of some is ...

The believer cannot fulfill this mandate unless he is imputed certain inalienable rights which would allow him to do so. All that are necessary are stated in the First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof or abridge the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

This set of rights is protected from the legislative branch of government which is mandated to "make no law" which would violate any of them.

Congress may not designate any religion as a state religion and then tax the people in order to support it and its clergy.

Congress may make no law which would prohibit any believer from fulfilling the divine mandates associated with worshiping God.

Congress may make no law which would abridge, or censor, the content of a pastor, priest, or rabbi's message. This is the clergy's freedom of speech to tell it all and not leave anything out.

Congress may make no law which would abridge, or censor, the content of the published canon of Scripture. This insures that the truth, the whole truth, and nothing but the truth is preserved in writing.

Congress shall make no law curtailing the right of the believer to travel to his chosen site of worship and to assemble with other believers.

If any such laws are made, Congress must entertain petitions from the offended individual for redress of any grievance pertaining to the diminishment of any of these stated rights. Therefore, if we are to assemble ourselves together in order to worship God according to Hebrews 10:25, then we must have assurance that:

- a. The pastor may freely carry out his duties of leading his congregation in worship: Bible study, prayer, the Eucharist, singing, and giving.
- b. The pastor must be free to communicate his message unencumbered by any restraints on his speech. Any restraint imposed must find its source in Scripture, not from government.
- c. Believers must have the freedom to purchase an unabridged Bible. In order for this to forever remain possible, then total freedom of the press must be insured.
- d. In order for the congregation to fully participate in the worship process they must always be allowed the freedom to assemble themselves together. In order to do this, they must be permitted freedom of movement.
- e. If any of these freedoms are ever abridged, diminished, or prohibited, then the believer has the constitutional right to petition Congress to remove the cause of the injustice.