

Standing in the crowded subway car, growing impatient as minutes ticked by, my friends and I wondered why the train was being held up in the station. We watched nervously as police milled around on the platform, guns drawn. It was not until later that I learned there had been a knife stabbing on the subway that morning. I was reminded of my Government class project on gun control, noting that the incident embodied two of the essential reasons in support of Second Amendment rights: that guns can be used for protection, as in the case of the police, and that people, not guns, are the source of violence, as in the case of the knife-wielding murderer.

From crime rates to school shootings, the topic of gun control receives much negative press coverage these days. Living in a suburban area, the issue of gun rights may seem less relevant than it would in, say, a rural area. For me, it has always been a distant and slightly impersonal topic. Not surprisingly, in a poll of Edison residents I conducted for a school project, less than half the responders found the right to bear arms as important as the other protected freedoms in the Bill of Rights. However, this is an issue that has sparked decades of debate and spawned numerous legal battles in our country. At the heart of the controversy are the two differing interpretations of "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."

The heated debate goes all the way back to the time of our founding fathers. That our forefathers made the right to bear arms the Second Amendment to the Constitution is an indication of how important it was perceived to be at the time of the Bill of Right's creation. Early influences can be seen in the English Bill of Rights, which addressed the right of citizens to have arms for their self-defense. The right to bear arms was recognized to be strongly linked to the preservation of liberty. American colonists, who, in the years building up to the Revolutionary War, found the British trying to impede the formation of Patriot militias and the

stock-piling of arms, would later be highly-aware of the dangers of being disarmed. Following the Revolution, the Articles of Confederation gave the central government virtually no power to draft troops. When this weakness was exposed by the government's inability to respond effectively to uprisings and maintain order, the Founders had to provide the central government the right to "raise and support Armies." Since a standing army was viewed as a possible instrument of oppression, its power had to be counterbalanced by state militias that were sufficiently independent from the federal government.

When it came time to draft the Bill of Rights promised to the Anti-Federalists, Madison's proposed amendment read, "The right of the people to keep and bear arms shall not be infringed; a well armed, and well regulated militia being the best security of a free country: but no person religiously scrupulous of bearing arms, shall be compelled to render military service in person." Reflecting the founders' concerns, the third clause, the "conscientious objector" provision was removed because it could be interpreted to allow the federal government to determine who was eligible for military service. The word "country" was also changed to "state" to reinforce that the militias belonged to the states and protected against the danger of an overstepping central government. The final text of the Second Amendment set forth a subtle balance of military power: "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."

Of course, the wording of the Second Amendment has not escaped detailed analysis and scrutiny. Debate has risen over whether the "right of the people" and a "well regulated militia" denote a literal individual right or are intended as a right of the State. The Amendment has been interpreted in many recent court cases. In the landmark 2008 *District of Columbia v. Heller* case, the Supreme Court ruled that the Second Amendment protected the individual's rights to possess

arms regardless of participation in the militia. An absolute firearm ban is unconstitutional, but this does not exempt arms from reasonable regulation. Even more recently, in 2010, the Court ruled in *McDonald v. Chicago* that Second Amendment rights are incorporated in the Fourteenth Amendment's Due Process Clause. This case clarified aspects left over from the Heller case and applied the protections against state and local government.

The detailed history and court cases of the Second Amendment, however, may not be relevant on an everyday basis. What the Second Amendment means to the average Americans is more symbolic, an idea of being able to take up arms to protect what we hold dear, be it our homes or our principles. Speaking more substantively, the precise laws that will govern gun rights will hinge on the political climate, and the changing needs and opinions of Americans in the future. But while regulation is reasonable, our fundamental Constitutional rights should never be violated.

Though not the first liberty that springs to mind when American ideals are brought up, the right to bear arms has very important historical and contemporary significance. From our country's founding to modern-day court cases, the Second Amendment has always been essential to the preservation and definition of freedom in our country. Whether for self-defense, law enforcement, or protection against tyranny, the Second Amendment will remain a cherished cornerstone of American democracy and freedom.