

## To Keep And Bear Arms The Origins Of An Anglo American Right

This collection of essays explores the way history itself has become a contested element within the national legal debate about firearms. The debate over the Second Amendment has unveiled new and useful information about the history of guns and their possession and meaning in the United States of America. History itself has become contested ground in the debate about firearms and in the interpretation of the Second Amendment to the Constitution of the United States. Specifically this collection of essays gives special attention to the important and often overlooked dimension of the applications of history in the law. These essays illustrate the complexity of the firearms debate, the relation between law and behavior, and the role that historical knowledge plays in contemporary debates over law and policy. Wide-ranging and stimulating The Right to Bear Arms is bound to captivate both historians and casual readers alike.

Stephen P. Halbrook's *The Founders' Second Amendment* is the first book-length account of the origins of the Second Amendment, based on the Founders' own statements as found in newspapers, correspondence, debates, and resolutions. Mr. Halbrook investigates the period from 1768 to 1826, from the last years of British rule and the American Revolution through to the adoption of the Constitution and the Bill of Rights, and the passing of the Founders' generation. His book offers the most comprehensive analysis of the arguments behind the drafting and adoption of the Second Amendment, and the intentions of the men who created it.

*The Right to Keep and Bear Arms* Report of the Subcommittee on the Constitution of the Committee on the Judiciary, United States Senate, Ninety-seventh Congress, Second Session  
*To Keep and Bear Arms* The Origins of an Anglo-American Right  
Harvard University Press

This little-known U.S. Senate report is potent ammo for all gun owners interested in the preservation of our right to keep and bear arms. It is proof that the U.S. government itself has studied the meaning of the Second Amendment from all perspectives and concluded that every private citizen has the individual right to own and carry firearms in a peaceful manner.

This work examines the significance of the right to bear arms in each of the first states and the state influences on the adoption of the Second Amendment of the federal constitution. This is the first book ever published on the immediate origins of the right to bear arms in the state and federal bill of rights. The work relies primarily on original sources such as period newspapers, constitutional convention debates, and the writings of the framers of the first state constitutions. The epilogue accounts for changes in bills of rights that have affected the issue of the right to bear arms.

In 1791, the U.S. Congress ratified the first 10 amendments to the Constitution, known as the Bill of Rights. The Second

Amendment states, "the right of the people to keep and bear arms shall not be infringed." With those words, the Founding Fathers laid the groundwork for a political and social touchstone that is still controversial after more than 200 years. Today, arguments over the true meaning and intention of the Second Amendment play out across our nation. With this book, readers go beyond the sensational headlines to explore the origins of the Second Amendment, both in a historical and contemporary context.

Showcases the major amendments to the Constitution since its ratification in 1792, summarizing how the Constitution and the Bill of Rights were created and discussing how each amendment affects our lives today.

An incisive account of the origins of the Second Amendment regarding the right to bear arms offers the most comprehensive analysis of the arguments behind the drafting and adoption of the Second Amendment and the intentions of the men who created it.

This important new book presents a clear and systematic analysis of the right or privilege to keep and bear arms within the meaning of the Second Amendment to the United States Constitution. Attorney Warren Freedman provides the answers to the arguments put forth by the National Rifle Association and arms manufacturers and dealers. He carefully annotates the Second Amendment and delineates the historical background to it. How federal and state courts have interpreted the Second Amendment is also scrutinized. Limitations on the privilege to keep and bear arms are examined under the police power of the states and the federal government. This is followed by an analysis of federal and state legislation dealing with gun control. Freedman advances an intriguing idea: civil liability on the part of gun manufacturers, gun distributors, and dealers in firearms and guns. What happens when the victim decides to sue a person or persons other than the actual assailant? His theory of negligent entrustment provides a basis for suit by the victim of a gun assault, just as products liability law and dram shop acts take over. Whether the reader agrees or disagrees with Freedman's analysis and conclusions, his book is essential reading for anyone concerned with this politically volatile issue.

Visiting Martin Luther King, Jr. at the peak of the civil rights movement, the journalist William Worthy almost sat on a loaded pistol. "Just for self-defense," King assured him. One of King's advisors remembered the reverend's home as "an arsenal." Like King, many nonviolent activists embraced their constitutional right to self-protection—yet this crucial dimension of the civil rights struggle has been long ignored. In *This Nonviolent Stuff'll Get You Killed*, civil rights scholar Charles E. Cobb, Jr. reveals how nonviolent activists and their allies kept the civil rights movement alive by bearing—and, when necessary, using—firearms. Whether patrolling their neighborhoods, garrisoning their homes, or firing back at attackers, these men and women were crucial to the movement's success, as were the weapons they carried. Drawing

on his firsthand experiences in the Southern Freedom Movement and interviews with fellow participants, Cobb offers a controversial examination of the vital role guns have played in securing American liberties.

"A revised and updated edition of Halbrook's 1984 book discussing the Second Amendment and the individual right to bear arms"--Provided by publisher.

Explains the history, development, and modern interpretation of the freedoms offered in the Second Amendment, guaranteeing the rights of citizens to bear arms.

'The Right to Keep and Bear Arms, America's Backbone, ' holds that the Second Amendment of the U.S. Constitution is a simple, beautiful declaration that the People ought to be armed. Further, that no infringement should be tolerated. This book contains famous quotes. It also addresses the societal issues that cause the high crime rate, as well as some effective ways to reduce it.

For the first time ever, a retired Supreme Court Justice offers a manifesto on how the Constitution needs to change. By the time of his retirement in June 2010, John Paul Stevens had become the second longest serving Justice in the history of the Supreme Court. Now he draws upon his more than three decades on the Court, during which he was involved with many of the defining decisions of the modern era, to offer a book like none other. SIX AMENDMENTS is an absolutely unprecedented call to arms, detailing six specific ways in which the Constitution should be amended in order to protect our democracy and the safety and wellbeing of American citizens. Written with the same precision and elegance that made Stevens's own Court opinions legendary for their clarity as well as logic, SIX AMENDMENTS is a remarkable work, both because of its unprecedented nature and, in an age of partisan ferocity, its inarguable common sense.

American democracy owes much to the rights guaranteed to individuals in the U.S. Constitution and specifically in its first 10 amendments, known as the Bill of Rights. Each book in the new six-volume American Rights set provides the history of a specific right or rights, from the right to vote to the right to bear arms. The volumes begin with brief colonial history, discussing the war fought by American Revolutionaries to gain independence from Great Britain - and their opportunity to decide what rights every American should possess. Coverage also includes later and ongoing struggles by groups such as women and people of color to gain these rights - both in law and in practice. Students will learn to appreciate the value of these rights by reading of the battles fought to secure them and, in some cases, by learning of their relative rarity around the world. Graphs, maps, photographs, and box features enhance the lively and accessible narrative, calling out important details and bringing this exciting material to life. Providing a wealth of information, American Rights is a thought-provoking, must-have set perfect for the young readers of today.

A leading constitutional historian argues that the Founding Fathers viewed the right to bear arms as neither an individual nor a collective right, but rather an obligation a citizen owed to the government to arm themselves and participate in a well-regulated militia.

The U.S. Supreme Court has recognized the individual right to keep and bear arms, but courts in states that have extreme gun control restrictions apply tests that balance the right away. This book demonstrates that the right peaceably to carry firearms is a fundamental right recognized by the text of the Second Amendment and is part of our American history and tradition. Halbrook's scholarly work is an exhaustive historical treatment of the fundamental, individual right

to carry firearms outside of the home. Halbrook traces this right from its origins in England through American colonial times, the American Revolution, the Constitution's ratification debates, and then through the antebellum and post-bellum periods, including the history surrounding the enactment of the Fourteenth Amendment to the U.S. Constitution. This book is another important contribution by Halbrook to the scholarship concerning the text, history and tradition of the Second Amendment's right to bear and carry arms.

Relied on by students, professors, and practitioners, Erwin Chemerinsky's popular treatise clearly states the law and identifies the underlying policy issues in each area of constitutional law. Thorough coverage of the topic makes it appropriate for both beginning and advanced courses. New to the Sixth Edition: New discussion of the Preamble to the Constitution in Ch. 1 Discussion of many new cases throughout the book. Major new decisions include: *Masterpiece Cakeshop v. Colorado Civil Rights Commission*; *Gill v. Whitford*; *Zivotofsky v. Kerry*; *Lucia v. SEC*; *South Dakota v. Wayfair*; *Fisher v. University of Texas, Austin*; *Obergefell v. Hodges*; *Whole Women's Health v. Hellerstedt*; *Matal v. Tam*; *Williams-Yulee v. Florida State Bar*; *National Institute of Family and Life Advocates v. Becerra*; *Janus v. American Federation*; *Town of Greece v. Galloway*; and *Trinity Lutheran Church of Columbia v. Comer* New materials on presidential power, immigration, and travel bans under the Trump administration, including *IRAP v. Trump* and *Hawaii v. Trump* Professors and students will benefit from: Renowned authorship Examination of black-letter law and all the myriad issues of constitutional interpretation with unrivaled thoroughness and lucidity Excellent historical overview of the creation and ratification of the Constitution, examining the existential question of why we have a constitution

A provocative history that reveals how guns—not abortion, race, or religion—are at the heart of America's cultural divide. *Gunfight* is a timely work examining America's four-centuries-long political battle over gun control and the right to bear arms. In this definitive and provocative history, Adam Winkler reveals how guns—not abortion, race, or religion—are at the heart of America's cultural divide. Using the landmark 2008 case *District of Columbia v. Heller*—which invalidated a law banning handguns in the nation's capital—as a springboard, Winkler brilliantly weaves together the dramatic stories of gun-rights advocates and gun-control lobbyists, providing often unexpected insights into the venomous debate that now cleaves our nation.

Explores the Second Amendment of the U.S. Constitution and the right to bear arms, as well as the way America's politicians, courts of justice, and citizens view this right.

This work illuminates the historical facts behind the current debate about gun-related violence, the Brady Bill and the NRA, including the original meaning and intentions behind the right to "bear arms". It traces its roots to the legacy of English law, leading directly to the Second Amendment.

A hot button issue that is in the news daily, the right to bear arms is one of Americans' most provincial and cherished rights. There are more guns per capita in the United States than anywhere else in the world. Through engaging and enlightening text, the Second Amendment, the right to bear arms, is studied in-depth. Analyzing the varying views on the amendment, students will get the opportunity to learn about the different interpretations of the amendment. The history of the amendment, as well as its creators, supporters, and detractors are studied thoroughly. Primary source documents allow readers to examine the amendments themselves and come up with their own conclusions. Full-color and black-and-white photos help students better understand the Bill of Rights and its creation. Further reading and sidebars encourage students to explore the amendments further, and a glossary helps students master new vocabulary.

While the U.S. Constitution is brilliant, do all of its 18th-Century notions make sense in a modern world? Specifically, should the right to keep and bear arms apply to today's relentlessly violent society where mentally and emotionally disturbed individuals make headlines everyday by killing people in mass with high-powered, modernized weaponry? In an objective way, we explore the original application of the Second Amendment, as well as how the United States' courts have defined it through the years. The original Constitution, which 39 state delegates signed on September 17, 1787, after a four-month long Constitutional Convention, made it clear that any newly formed Federal Government of the United States of America would have limited powers. While the original Constitution expressed the notion of limited power within the Federal Government, it provided few specific rights and liberties for the people. Without these individual rights attached to the Constitution, many state delegates believed that a strong Federal Government could potentially abuse its citizens by denying them basic rights. These delegates, called Anti-Federalists, were led by Virginia's Patrick Henry, who did not sign the original Constitution and demanded a Bill of Rights for the people, refusing to support ratification of the document without amendments attached to it. Reluctantly, the Federalists led by Virginia delegate James Madison, the Father of the Constitution, being its primary writer, and New York delegate Alexander Hamilton agreed to the amendments in order to complete ratification. The Federal Government of the United States under the U.S. Constitution began operation on March 4, 1789, and on September 25, 1789, the first Congress adopted 12 amendments to the Constitution. In 1791, the states ratified 10 of those amendments. Sharing the Second Amendment of the 10 amendments are two ideas that the framers of the Constitution constructed to align with one another, although the specific reason for the alignment is not altogether clear in the eyes of many. The ambiguity of their relationship to one another has created division in the years since ratification. Additionally, the American populace has tested both ideas as separate entities through the years because of the amendments' simple phrasing and lack of elaboration. Therefore, interpretations of the amendment are vast, and its place within the context of today's society adds to the complexity of the

27 words that make up Amendment II, which read: "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 Second Amendment (Amendment II) to the United States Constitution protects the right of the people to keep and bear arms and was adopted on December 15, 1791, as part of the first ten amendments contained in the Bill of Rights. The Supreme Court of the United States has ruled that the right belongs to individuals, while also ruling that the right is not unlimited and does not prohibit all regulation of either firearms or similar devices. State and local governments are limited to the same extent as the federal government from infringing this right per the incorporation of the Bill of Rights. The Second Amendment was based partially on the right to keep and bear arms in English common law and was influenced by the English Bill of Rights of 1689. Sir William Blackstone described this right as an auxiliary right, supporting the natural rights of self-defense, resistance to oppression, and the civic duty to act in concert in defense of the state. In the twenty-first century, the amendment has been subjected to renewed academic inquiry and judicial interest, and debate between various organizations regarding gun control and gun rights is a daily part of American society.

From the New York Times bestselling author of *White Rage*, an unflinching, critical new look at the Second Amendment--and how it has been engineered to deny the rights of African Americans since its inception. In *The Second*, historian and award-winning, bestselling author of *White Rage* Carol Anderson powerfully illuminates the history and impact of the Second Amendment, how it was designed, and how it has consistently been constructed to keep African Americans powerless and vulnerable. *The Second* is neither a "pro-gun" nor an "anti-gun" book; the lens is the citizenship rights and human rights of African Americans. From the seventeenth century, when it was encoded into law that the enslaved could not own, carry, or use a firearm whatsoever, until today, with measures to expand and curtail gun ownership aimed disproportionately at the African American population, the right to bear arms has been consistently used as a weapon to keep African Americans powerless--revealing that armed or unarmed, Blackness, it would seem, is the threat that must be neutralized and punished. Throughout American history to the twenty-first century, regardless of the laws, court decisions, and changing political environment, the Second has consistently meant this: That the second a Black person exercises this right, the second they pick up a gun to protect themselves (or the second that they don't), their life--as surely as Philando Castile's, Tamir Rice's, Alton Sterling's--may be snatched away in that single, fatal second. Through compelling historical narrative merging into the unfolding events of today, Anderson's penetrating investigation shows that the Second Amendment is not about guns but about anti-Blackness, shedding shocking new light on another dimension of racism in America.

"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." —Amendment II, United States Constitution The Second Amendment is regularly invoked by opponents of gun control, but H. Richard Uviller and William G. Merkel argue the amendment has nothing to contribute to debates over private access to firearms. In *The Militia and the Right to Arms, or, How the Second Amendment Fell Silent*, Uviller and Merkel show how poststratification history has sapped the Second Amendment of its meaning. Starting with a detailed examination of the political principles of the founders, the authors build the case that the amendment's second clause (declaring the right to bear arms) depends entirely on the premise set out in the amendment's first clause (stating that a well-regulated militia is necessary to the security of a free state). The authors demonstrate that the militia envisioned by the framers of the Bill of Rights in 1789 has long since disappeared from the American scene, leaving no lineal descendants. The constitutional right to bear arms, Uviller and Merkel conclude, has evaporated along with the universal militia of the eighteenth century. Using records from the founding era, Uviller and Merkel explain that the Second Amendment was motivated by a deep fear of standing armies. To guard against the debilitating effects of militarism, and against the ultimate danger of a would-be Caesar at the head of a great professional army, the founders sought to guarantee the existence of well-trained, self-armed, locally commanded citizen militia, in which service was compulsory. By its very existence, this militia would obviate the need for a large and dangerous regular army. But as Uviller and Merkel describe the gradual rise of the United States Army and the National Guard over the last two hundred years, they highlight the nation's abandonment of the militia ideal so dear to the framers. The authors discuss issues of constitutional interpretation in light of radically changed social circumstances and contrast their position with the arguments of a diverse group of constitutional scholars including Sanford Levinson, Carl Bogus, William Van Alstyne, and Akhil Reed Amar. Espousing a centrist position in the polarized arena of Second Amendment interpretation, this book will appeal to those wanting to know more about the amendment's relevance to the issue of gun control, as well as to those interested in the constitutional and political context of America's military history.

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