Are Origins and Interpretations of the Rights to Keep and Bear Arms?

1. The English Bill of Rights (1689) gave gun rights only to some people. While the English Bill of Rights said Protestant individuals could own guns, it denied that right to the Catholic minority.

2. Some scholars argue that the militia of the Second Amendment means state armies, like today’s National Guard. According to this argument, the Second Amendment does not grant an individual’s right when it refers to “the right of the people to keep and bear arms.” Instead, they say the Second Amendment simply protects state militias from the federal government as the Anti-Federalists had insisted. Others believe “militia” referred to a group of citizens. Since there was no official army or police force, some scholars argue that the “militia” was individual citizens who could be called to protect themselves and their neighbors.

3. In United States v. Verdugo-Urquidez (1990), the Supreme Court said that the Second Amendment means “individuals” when it says “people.” The individual right to bear arms was affirmed in United States v. Emerson (1999).