

Shall Not be Infringed

by [Michael Angley](#) (April 2021)



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. (United States Constitution, Second Amendment)

Twenty-Seven Words

Shakespeare once wrote, "Brevity is the soul of wit," meaning that fewer words usually convey wisdom and intellect. America's Founding Fathers certainly took his cue. In these 27 words, the Founders penned into parchment arguably the most controversial right in the history of the Republic. Despite what ought to be apparent, powerful, comprehensible, and uncontroversial, the Second Amendment (2A) has been the most maligned, manipulated, misinterpreted, and ignored amendment in the Constitution.

Within the 27 words that compose 2A, four stand out for redundancy: 'shall not be infringed.' They are redundant because it's implied that ALL amendments in the Bill of Rights to the Constitution are unalienable. After all, rights come from God as the Founders aptly proclaimed when they drafted the Declaration of Independence. If only God can grant inalienable rights, then logic holds that only God can infringe upon them. Certainly not man.

In fact, no where else in the U.S. Constitution do the words 'infringe' or 'infringement' appear. So why the redundancy from men who were notably parsimonious with the written word? Perhaps they weren't being repetitive at all. It is entirely possible they were exercising caution and adding

emphasis because they knew that the one right mostly likely to receive attacks and broadsides would be the right to keep and bear arms. America's Founders had just fought a war for independence, and it was citizen soldiers, the 'well regulated Militia,' who were instrumental in achieving victory. These were Colonial men in cities, towns, and farms who kept firearms at home for self-defense. When their fledgling new nation called upon them to secure their liberty from England, they rose up and joined the fight.

America's Founders knew from experience the terrible state of existence that tyrannical regimes impose upon an unarmed citizenry. With no tangible ability to fight back, defenseless citizens are at the mercy of the benevolence or malevolence of their masters. Firearms are the great equalizer, the silent reminder to government that it is subservient to the people and not the other way around. That is the meaning contained in 'being necessary to the security of a free State.' Arms are not optional. Not something to consider. They are necessary.

With brilliant prescience, they chiseled into the Bill of Rights a simple statement about the preservation of this right with the added emphasis of 'shall not be infringed.' Still, they realized the right to keep and bear arms would be the most infringed upon right, emphasis notwithstanding. They could not have been more spot on.

Tamper Proof for 143 Years

The Bill of Rights, in which 2A is found, was ratified in 1791. From that point forward, until the 20th Century, it remained unfringed as the Founders intended. All well and good, but things changed 143 years later in the 1930s at the hands of an American Democratic President, Franklin Delano Roosevelt.

In 1934, FDR pushed for passage of the [National](#)

[Firearms Act](#) which imposed a \$200 tax on the transfer of certain weapons deemed in vogue among organized crime figures of the day. Adjusted for inflation, that tax would be the equivalent of \$3,925 today, certainly a hefty fiscal burden no matter the era. This first use of taxation to infringe upon 2A would not be the only time Democrats resorted to the scheme, nor would it be the only scheme they'd try.

Four years later, in 1938, Congress passed the [Federal Firearms Act](#) which created the first-ever requirement for a federal license for those manufacturing or dealing in the sale of firearms. Thus, began the scheme to rely upon using government's regulatory or licensing authority to tamper with 2A.

Taxation and regulation became two popular vehicles through which gun control enthusiasts would continue their infringement on this important right. But attempts to chip away at 2A's foundation would not be confined to the federal government; however, as many states later jumped on the taxation and regulatory bandwagons to impose their own restrictions. The Pandora's Box for infringement was now wide open. But there was one more avenue for infringement to come.

In the spirit of, 'never let a crisis go to waste,' Democratic lawmakers seized upon the assassinations of President John F. Kennedy, his brother and Attorney General Robert Kennedy, and civil rights champion Reverend Dr. Martin Luther King, Jr. Congress passed the [Gun Control Act of 1968](#) which tightened even further government's firearms licensing requirements. The Act also created a series of new federal laws with respect to firearms offenses. The creation of new categories of federal offenses hampered how Americans could exercise their right to keep and bear arms and became a third venue for Democratic lawmakers to tamp down individual gun rights.

But two could play at the same game. In 1986,

President Ronald Reagan signed into law the [Firearm Owners Protection Act](#) that rolled back some of the stringent provisions of previous legislation, such as the maintenance of a national gun registry. It was a mixed bag of good and bad news; however, since the Act also strengthened restrictions on automatic weapons and suppressors.

In the two decades to follow, a series of other laws came about that impacted 2A. The [Brady Handgun Violence Protection Act of 1993](#) instituted a waiting period for handgun purchases, background checks for buyers, and the creation of the FBI's National Instant Criminal Background Check System. A year later, President Bill Clinton's [Violent Crime Control and Law Enforcement Act](#) was passed which banned certain semi-automatic firearms (so-called assault weapons) and high-capacity magazines. That law lapsed after ten years and was not renewed.

There were a few other bright spots for gun rights advocates, to be sure. In 2005, Congress passed the [Protection of Lawful Commerce in Arms Act](#) which shielded from lawsuit the manufacturers of firearms whose guns were used in the commission of a crime. Perhaps the greatest development of all came not through legislation or executive fiat, but through the courts.

In 2008, the U.S. Supreme Court determined in [District of Columbia v. Heller](#), that the Second Amendment right to keep and bear arms is an individual right, and not a collective one. The latter interpretation had dominated for nearly a century following prior court decisions that focused on the 2A phrase, 'well regulated Militia.' *Heller* was a watershed decision that had the effect of striking down Washington, DC's heavy restrictions on individual gun ownership. The reverberations that cascaded from it continued to tip the scale in favor of gun ownership ever since.

For the time being, things seemed to be sliding back

somewhat toward what the Founders intended with their 27-word affirmation of the right to keep and bear arms. But not for long.

The Future is Grim

By many popular estimates, over 100 million Americans own guns today, or nearly one in three. The number of firearms in private ownership is believed to be over [393 million](#), so it's not a stretch to imagine there are also billions of rounds of ammunition in homes across the country. These same statistics which bring smiles to the faces of gun rights supporters, inflict sheer terror into the hearts and minds of gun control hustlers.

Words matter. Gun control is typically couched in the doublespeak of 'gun safety,' or 'commonsense gun control.' Oftentimes, politicians on the left distort the meaning of 2A when calling for more restrictions. A popular contortion is to criticize fellow Americans for having too many guns for sporting purposes (recreation was not on the Founders' minds when crafting the Bill of Rights).

Another is to limit magazine capacity with quips such as this from [New York Governor Andrew Cuomo](#), "No one needs ten bullets to kill a deer." (There's no mention of hunting in 2A). They also make guilt-laden [comparisons to other countries](#) with data showing how Americans own 40% of the world's guns but account for only 4% of the planet's population. (Could the fact that only the USA affirms the right to keep and bear arms be the reason?).

Leftists create strawmen boogeymen and then target them, such as the [National Rifle Association \(NRA\)](#), the nation's most powerful gun rights lobby. Exact membership numbers for the NRA are not publicly known but are estimated at 5 million. But it's not the 5 million NRA members who frighten Democratic lawmakers and gun-grabbers, despite the

relentless attacks. It's the 100 million American gun owners whom the NRA represents that terrify those on the left side of the aisle. They're the real targets.

All discussion about the legitimacy of Joe Biden's presidency aside, he is seated in the Oval Office and signing dozens of Executive Orders and new laws. His gun control position is well known and was broadcast clearly during the campaign. It's no secret that he and his farther-left Vice President, Kamala Harris, are gun grabbers. With their willing accomplices in the Democratic-controlled House, and a tie-breaking majority in the Senate, they are likely to ram through as many gun control measures as they can in short order.

When he was candidate Biden, the campaign announced its [platform for gun control](#). While not his entire plan, the following summarizes the key points and areas for action that he promised on the campaign trail:

- *Hold gun manufacturers accountable*
- *Get weapons of war off our streets*
 - *Ban the manufacture and sale of assault weapons and high-capacity magazines*
 - *Regulate possession of existing assault weapons under the National Firearms Act*
 - *Buy back the assault weapons and high-capacity magazines already in our communities*
 - *Reduce stockpiling of weapons*
- *Keep guns out of dangerous hands*
 - *Require background checks for all gun sales*
 - *Close other loopholes in the federal*

background check system

- *Reinstate the Obama-Biden policy to keep guns out of the hands of certain people unable to manage their affairs for mental reasons*
- *Close the “hate crime loophole”*
- *End the online sale of firearms and ammunitions*
- *Create an effective program to ensure individuals who become prohibited from possessing firearms relinquish their weapons*
- *Incentivize state “extreme risk” laws*
- *Make sure firearm owners take on the responsibility of ensuring their weapons are used safely*
- *Put America on the path to ensuring that 100% of firearms sold in America are smart guns*
- *Hold adults accountable for giving minors access to firearms*
- *Require gun owners to safely store their weapons*

Congress didn't wait long to begin work on legislation to implement the Biden plan. On March 11, 2021, the Democratic [House passed two bills impacting 2A](#), each with a smattering of Republican support. The first bill expands background checks to online gun sales, while the second measure extends the waiting period for purchases to 10 days for completion of a background check.

The two bills' fates remain unclear in the Senate where the balance is tilted slightly in favor of Democrats

with a VP Harris tiebreaker, if necessary. All bets are off should even one Democratic Senator defect and vote against them or should left-of-center Republicans support them.

While these efforts are underway, rumors swirl around Washington, DC about plans for excessive taxation and regulation once again, essentially to break the will and the bank accounts of Americans should they dare wish to exercise this natural right from God. The problem with legislation, as unconstitutional as it may be in all outward or inward appearances, is that it takes time to undo it. Even bad laws must circumnavigate the courts through years of meandering. Terrible injustices can take place in that span of time.

In 1788, Alexander Hamilton wrote in [*Federalist 29*](#), “If circumstances should at any time oblige the government to form an army of any magnitude that army can never be formidable to the liberties of the people while there is a large body of citizens, little, if at all, inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow-citizens.”

Hamilton eerily hinted at a future that America seems to face now at the hands of Biden, Harris, and the Socialist left of the Democratic Party. These are the tyrants America’s Founders warned about. The full-scale assault on the Second Amendment has only just begun.

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