Guns and Defense

My colleague and friend Robert Sedler argues that the Second Amendment does not establish an individual right to bear arms. Instead, according to Sedler, it protects only a state’s collective right to maintain a militia.

The amendment’s language, however, recognizes the “right of the people” to keep and bear arms, not the “right of the states.”

The framers of the Constitution viewed an armed populace not only as protection against foreign enemies, but also as an important bulwark against a tyrannical government.

Constitutional rights are not absolute. But in determining what kinds of restrictions are permissible, one must consider the purpose of the right. Sedler says that the Second Amendment would not extend to military-style “assault weapons,” which many say have “no legitimate sporting purpose.” But this is precisely the kind of weapon that the Second Amendment contemplates -- weapons that are suitable for defense of the community against invasion or oppression. The amendment was not designed to protect duck hunting.

To our modern sensibilities, the need for guns to protect against governmental oppression may sound odd, if not a little paranoid. But the framers had just completed a bitter and bloody struggle against an oppressive government that had largely disarmed its own population. If we believe today that this constitutional right is too costly, the proper course is to amend the Constitution, not to ignore it.

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