

## Re: [OT]: The intent of the Founding Fathers

**Source:** <http://sci.tech-archive.net/Archive/sci.electronics.design/2004-10/0260.html>

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**Date:** 09/30/04

Date: Thu, 30 Sep 2004 23:36:14 GMT

On Thu, 30 Sep 2004 23:02:31 GMT, "Clarence" <no@No.com> wrote:

>Or Devolves, if we allow it to do so.

I suppose so.

>However the apparently defective conclusion in the last paragraph is so wrong  
>as to be a joke.

That last paragraph is my opinion of the court's opinion. My own understanding is that the 2nd Amendment really was about an individual right, not a State right.

>The Right to own and bear arms is *THE PRIMARY GUARANTEE* of the stability of  
>this society. The courts have repeatedly upheld that it IS an *INDIVIDUAL*  
>*RIGHT*.

I may well agree with part of that, and more perhaps. Depending. Show me what you mean, though an example or two and specific citations. The courts have allowed certain small arms, but this avoids the original intent which was my earlier thesis about prudential arguments. One of the clear intents (not the only, necessarily) of the 2nd was to safeguard against federal tyranny — particularly, by enticing young soldiers (assumed largely landless) with promises of land and resources. They specifically dealt with this by barring the idea of a continuous military, because they were worried that a too well trained and young federal force would provide so much an advantage as to be tempting to use for such purposes. Law as it stands today, I believe, completely circumvents this purpose of the 2nd. For prudential reasons.

>Miller vs. Texas remanded the case back to the lower court without a ruling on  
>the Second Amendment.

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><http://members.fortunecity.com/skorch/guns.html>

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>Contains a collection of the rulings.

I was talking about the upshot. I'd recommend Tribe's article for a modern analysis of the legal situation and of said rulings.

Jon