

The Second Amendment to the U.S. Constitution states:

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

On September 26, 1789, the First Congress under the U.S. Constitution provided a definitive link back to the immediate predecessors of the Second Amendment's 'well regulated militia' and 'right of the people to keep and bear arms' clauses. The introduction to the proposed amendments stated a general description of not only their nature and purpose but also their source:

THE Conventions of a number of the states having at the time of their adopting the CONSTITUTION expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added.

Congress proposed the Second Amendment and other Bill of Rights provisions to satisfy the desires of state ratifying conventions. Examination of those desires makes it evident that several conventions wanted a bill of rights added to the U.S. Constitution that included a two-clause Second Amendment predecessor. Section 17 in the Bill of Rights proposed by the 1788 Virginia Ratifying Convention consisted of four clauses, the leading two being the earliest two-clause predecessor adopted by a state convention. These are the very clauses that James Madison and Congress directly relied on for development of what became the Second Amendment's militia and arms related clauses. Virginia's stated desire, including the reason for proposal of a bill of rights, was:

That there be a declaration or bill of rights asserting, and securing from encroachment, the essential and unalienable rights of the people, in some such manner as the following:-

...
17th. That the people have a right to keep and bear arms; that a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defence of a free state; that standing armies, in time of peace, are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that, in all cases, the

military should be under strict subordination to, and governed by, the civil power.ⁱ

North Carolina's 1788 convention refused to ratify the Constitution and adopted the above Virginia language verbatim along with all of Virginia's other amendments on August 1st. The New York Convention's July 26th ratification included a declaration of rights with virtually the same two-clause Second Amendment predecessor language.ⁱⁱ These three closely related two-clause bill of rights provisions from 1788 state ratifying conventions are the desires Congress perceived for proposal of the Second Amendment's clauses. Answers to the questions of who was responsible for this particular bill of rights language, how and where it originated in America, and why this particular terminology was used are of great significance, especially in any study of such a controversial provision. Such answers will help inform what the Second Amendment meant to the founding generation and dispel modern disagreement about it.

