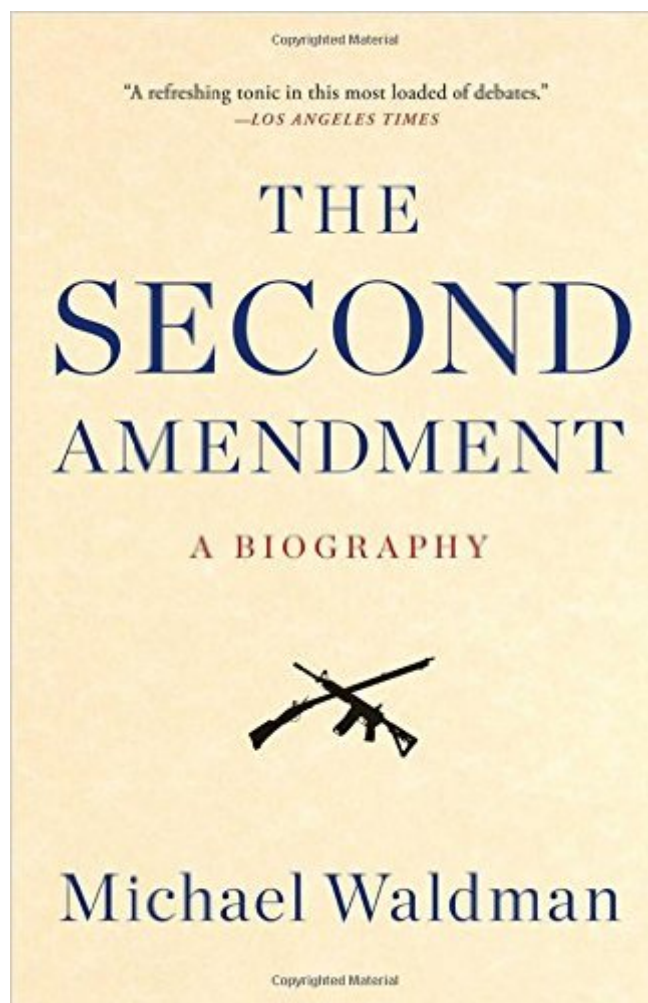


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The Second Amendment: A Biography



Synopsis

Widely acclaimed at the time of its publication, the life story of the most controversial, volatile, misunderstood provision of the Bill of Rights. At a time of increasing gun violence in America, Waldman's book provoked a wide range of discussion. This book looks at history to provide some surprising, illuminating answers. The Amendment was written to calm public fear that the new national government would crush the state militias made up of all (white) adult men "who were required to own a gun to serve. Waldman recounts the raucous public debate that has surrounded the amendment from its inception to the present. As the country spread to the Western frontier, violence spread too. But through it all, gun control was abundant. In the twentieth century, with Prohibition and gangsterism, the first federal control laws were passed. In all four separate times the Supreme Court ruled against a constitutional right to own a gun. The present debate picked up in the 1970s "part of a backlash to the liberal 1960s and a resurgence of libertarianism. A newly radicalized NRA entered the campaign to oppose gun control and elevate the status of an obscure constitutional provision. In 2008, in a case that reached the Court after a focused drive by conservative lawyers, the US Supreme Court ruled for the first time that the Constitution protects an individual right to gun ownership. Famous for his theory of "originalism," Justice Antonin Scalia twisted it in this instance to base his argument on contemporary conditions. In *The Second Amendment: A Biography*, Michael Waldman shows that our view of the amendment is set, at each stage, not by a pristine constitutional text, but by the push and pull, the rough and tumble of political advocacy and public agitation.

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Customer Reviews

Unlike some of these reviews, I actually read this book. This book consists of two sections. In the first section, Waldman discusses the context around the writing of the constitution, including the need for state militias to have the ability to rise up against a potential tyrannical federal government. He scans through written sources to discern the nuances of eighteenth and early nineteenth century language in attempts to discover the true meaning of the second amendment. The second half of the book fast-forwards to recent court decisions and their effects on the interpretation of current gun laws. It largely discusses decisions and personalities of the Supreme Court, often focusing on Scalia's concept of Originalism, which is the interpretation of the constitution as if one was a framer. I found the first section quite enlightening concerning the worries of early Americans, and seeing just how different the burgeoning country's attitude was hundreds of years ago. The writing uses many primary sources, often quoting passages in the text. I find texts that do this to be much more credible than those who rely on historical platitudes. However, I found it aggravating to constantly switch from quote to quote without much interjection from Waldman in between. I believe the author does well in trying to be objective as possible (again, using many primary sources). I was less thrilled about the second half of the book, although mostly because anyone who reads the news will already know the general outline. However, it does discuss how the decisions of the Supreme Court has far-reaching impacts. The focus on Scalia seems well deserved, as if what the author says is true, then his concept of Originalism is largely responsible for the 2008 and subsequent decisions.

Michael Waldman has written an invaluable perspective on the history, meaning and intent of the Second Amendment; on the two centuries of judicial understanding of its essential militia basis; and on the recent and powerful social movement driven by conservative academics, a few libertarian lawyers, and the NRA to rewrite the Second Amendment in the image of a small but vocal minority of Americans who cling to their guns as tightly as they cling to their belief that government is the enemy of the people. He also delves a bit into the social ramifications and social costs of America's long-standing tradition of both individualism and gun ownership. The book contains a great deal of valuable history, information and insight, but falls a bit short in several ways. First, the syntax is clunky and truncated, making it feel that he is writing down to the reader. More importantly, he gets a small number of historical facts wrong, such as the state ratification vote tallies; and he exhibits a too-common ignorance about firearms that will surely become fodder for damning criticism from gun rights apologists. But, as a treatise that should clear up the recent mythology about the Second Amendment and the newly discovered individual right to self-defense in the home, Waldman's most

important lines might be:"There is not a single word about an individual right to own a gun for self-defense in the notes from the Constitutional Convention. Nor with scattered exceptions in the records of the ratification debates in the states. Nor on the floor of the US House of Representatives as it marked up the Second Amendment.

This is a must read - Waldman highlights the change in our interpretation of the 2nd Amendment. His expert grasp of the laws and of the historical context makes reading and comprehending the complexity of the issue easy for the layperson. It was very informative - didn't know the NRA edited the 2nd Amendment to suit their purposes. The most often misunderstood part of the 2nd Amendment, as short as it is, is the meaning of "well-regulated militia." The place to start in understanding what they meant by that, is to be found in the 1st and 2nd Articles of the Constitution itself. Art I Sect 8 gives Congress the power:"To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;Art II Sect 2 says thatThe President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United StatesIn other words, the Militias were considered part of the police powers of the Government, not an antidote to it. The boneheads who think that the Militias were established so that a minority can resort to violence when they don't like the results of an election, are the real tyrants here.

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