

Current (but an incomplete draft of) Statement on
Function of Government -
and the Second Amendment
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Be aware that the ideas and some of the wording below are not original to me - but are from various sources; however, they do reflect my own beliefs and are adopted as my own.

A. We all have natural rights, which are granted by our Creator, not our government.

From the U.S. Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

B. Our government exists to protect our natural rights. The government does not have the authority to grant rights to the people it governs.

From the U.S. Declaration of Independence: “to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

C. The U.S. Bill of Rights codifies preexisting rights, personal rights, and rights to protect the people from government overreach, i.e., the right of free speech and the right to protect itself FROM the government.

See my newspaper editorial on Free Speech:
<https://raywinstead.com/WisdomForToday.htm>

D. One main purpose of the U.S. Constitution is to restrain government from imposing a “tyranny of the majority.” The U. S. Constitution ensures that the government cannot serve an overbearing majority at the expense of the rights of the minority. If judges have license to enforce the majority’s will when interpreting the U.S. Constitution, it can no longer serve as an effective constraint on government or the majority.

E. The more centralized government power becomes, the less representative it can be of a diverse people – and more harmful to individual liberty. Power tends to corrupt.

F. A central purpose of government is to ensure equal rights and treatment for every citizen under law, regardless of any other characteristics – just for example, perceived or actual status in society or personal religion.

G. Past world history and current world events show that an unarmed population is more easily threatened and controlled by despots with an army at their command, e.g., through actions and fear both outside the army and within the army itself. The second amendment is necessary both as a deterrent and a remedy to any future takeover of a government not supported by the people – even if the probability of that occurring is small but still real. I believe that world history shows that thinking that we in the U.S. are immune somehow from that ever happening here is naïve, and world history further shows that getting rid of the concept of the second amendment is foolhardy. (The reason for the second amendment being in the Constitution has nothing to do with hunting.) Obviously, citizens being armed carries with it the highest of responsibilities.

For example, consider the following from <https://www.michaelmaharrey.com/what-was-the-purpose-of-the-second-amendment-2655/>

The purpose of the Second Amendment wasn't to ensure people could always go hunting. It wasn't primarily meant to allow people to defend their homes and families. Fundamentally, the Second Amendment was included in the Bill of Rights to ensure the people would always have the means to match the firepower of a federal army. It was intended to ensure the people could resist tyrannical government with force in the last resort. The founding generation understood that an unarmed populace would open the door for the government to trample its liberties.

In simplest terms, the Second Amendment was meant to ensure the people could take on the government if necessary.

The local militia was the check against government power. Some will concede this point, but argue this only proves the militia (the National Guard) gets to have access to weapons. They say this does not extend the right to keep and bear arms to individuals. This reveals a fundamental misunderstanding of the makeup of the militia. It wasn't an exclusive body of military men. The militia was made up, as Mason said, of "the whole people." The militia existed as a body distinct from the government. It could be called up by the government, but it maintained some level of independence. In fact, Mason expressed fear that without

an explicit amendment protecting the right to keep and bear arms, the militia would be reduced to an extension of the federal government itself – not a body of people equipped to resist government tyranny.

The discussions surrounding the right to keep and bear arms during the ratification debates make it clear the primary reason for an amendment specifically prohibiting the federal government from infringing on the right to keep and bear arms was to keep it from being able to control the state militias and effectively disarm the people. With this in mind, it logically follows that the founding generation intended for the people to have access to weapons capable of matching military firepower, and they would in no way be shocked at the idea of the general population owning so-called “assault weapons.”

In fact, that was the point. They wanted the populace to both possess military equipment and the have the ability to use it. They wanted to ensure the people could resist the government – by force if necessary.

When you bring up this truth today, a lot of people laugh it off, claiming a bunch of rednecks with AR-15s could never face down the U.S. military. Well, tell that to Afghani nomads and Vietnamese peasants. (RLW: and the Ukrainians.)

RLW: Of course, within the context of catastrophic mass murderers using guns, investigating the root causes of the breakdown of society and investigating the root reasons for the murderers acting as they did are of paramount importance. I believe that the gun itself is not the problem – but that the problem is more deeply rooted than that and needs to be addressed at that deeper level.

RLW: Canadian Prime Minister Justin Trudeau in announcing a new proposal (5-30-2022): "What this means is that it will no longer be possible to buy, sell, transfer or import handguns anywhere in Canada." "Other than using firearms for sport shooting and hunting, there is no reason anyone in Canada should need guns in their everyday lives." RLW: That statement misses the point! It is the unusual day when a gun may be needed. Unfortunately, many in the United States, apparently, have the same perspective as Justin Trudeau.

H.

