

## Opinion of the Court

vate citizens (not militia members) as “a violation of the constitutional right of Protestant subjects to keep and bear arms for their own defence.” 49 *The London Magazine or Gentleman’s Monthly Intelligencer* 467 (1780). In response, another member of Parliament referred to “the right of bearing arms for personal defence,” making clear that no special military meaning for “keep and bear arms” was intended in the discussion. *Id.*, at 467–468.<sup>15</sup>

**c. Meaning of the Operative Clause.** Putting all of these textual elements together, we find that they guarantee the individual right to possess and carry weapons in case of confrontation. This meaning is strongly confirmed by the historical background of the Second Amendment. We look to this because it has always been widely understood that the Second Amendment, like the First and Fourth Amendments, codified a *pre-existing* right. The very text of the Second Amendment implicitly recognizes the pre-existence of the right and declares only that it “shall not be infringed.” As we said in *United States v. Cruikshank*, 92 U.S. 542, 553 (1876), “[t]his is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence. The second amendment declares that it shall not be infringed . . . .”<sup>16</sup>

Between the Restoration and the Glorious Revolution, the Stuart Kings Charles II and James II succeeded in using select militias loyal to them to suppress political dissidents, in part by disarming their opponents. See J. Malcolm, *To Keep and Bear Arms* 31–53 (1994) (hereinafter Malcolm); L. Schworer, *The Declaration of Rights, 1689*, p. 76 (1981).

<sup>15</sup> Cf. 21 Geo. II, ch. 34, §3, in 7 Eng. Stat. at Large 126 (1748) (“That the Prohibition contained . . . in this Act, of having, keeping, bearing, or wearing any Arms or Warlike Weapons . . . shall not extend . . . to any Officers or their Assistants, employed in the Execution of Justice . . .”).

<sup>16</sup> Contrary to JUSTICE STEVENS’ wholly unsupported assertion, *post*, at 636, 652, there was no pre-existing right in English law “to use weapons for certain military purposes” or to use arms in an organized militia.