



Written by [Steve Byas](#) on September 22, 2020

Biden Denies the Second Amendment Protects an Individual Right

Democratic presidential nominee Joe Biden says a lot of strange things, but one thing he told a Town Hall in New Hampshire, while he was seeking his party's nomination to challenge Republican President Donald Trump, should concern any American who believes in individual rights, especially the right to keep and bear arms, specifically protected by the Second Amendment.



Biden was asked if he agreed with the Supreme Court decision, *D.C. v. Heller*, which asserted that the Second Amendment to the U.S. Constitution protects an *individual* right to bear arms, and not just the right of states to maintain a militia.

"If I were on the Court I wouldn't have made the same ruling. OK, that's number one," Biden answered.

Biden later added, "And I taught for years Constitutional law and separation of powers, I taught the Second Amendment. And the Second Amendment is not absolute. And we can argue, the fundamental argument is well regulated militia and all those things, I won't get into that. I think that the fundamental argument is the reason that was given as a right because we needed to be able to muster people to deal with an enemy called Great Britain we were fighting in a war."

It is difficult to determine which is worse from these remarks, Biden's ignorance of history or his ignorance of the purpose of the Bill of Rights, which was to restrict the power of the federal government.

First of all, this odd statement of Biden's gives us insight into the type of judge a President Biden would place on the Supreme Court, or any other court in the federal judiciary, when he said, "If I were on the Court, I wouldn't have made the same ruling." In other words, Joe Biden would nominate judges who do not believe the Second Amendment protects the right of an *individual* to keep and bear arms, as the Supreme Court ruled in the *Heller* case.

For Biden, the purpose of the Second Amendment was a "well regulated militia and all those things, I won't get into that." This sounds much like his odd remarks made more recently, in March of this year, in which he said, as he attempted to recite the Declaration of Independence ahead of Super Tuesday, "We hold these truths to be self-evident," the former vice president said during a campaign event in Texas. "All men and women created by — you know, you know, the thing."

The thing?

Of course, the actual wording of the Declaration of Independence is, "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."



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Which highlights another problem with what Biden said about the Second Amendment during that New Hampshire campaign event — that the right found in the Second Amendment was “given as a right.” The Bill of Rights did not give any rights, but simply protected rights that Americans already had — they were given their rights by the Creator, not by government. If government gives rights, they have the right to take them away, which means the rights exist only at the benevolence of government and government officials — like Joe Biden.

Perhaps the most bizarre part of Biden’s assertion that the Second Amendment is not an individual right was his comment, “I think that the fundamental argument is the reason that was given as a right *because we needed to be able to muster people to deal with an enemy called Great Britain we were fighting in a war.*” (Emphasis added.)

Of course, the Bill of Rights, including the Second Amendment, were all added to the Constitution in 1791, which was eight years *after* the Treaty of Paris ended that war in 1783. If Biden cannot even get that basic part of American history correct, it is likely he either does not know — or has forgotten — that the militia in colonial America referred to citizen soldiers, like farmers, butchers, bakers, and candle stick makers. The militia was every able-bodied man able to bear arms, and generally the arms they bore are the arms they brought with them to the battles of the Revolutionary War.

Another piece of history that Biden should be taught, or re-taught, was why the first battles of the war for independence were even fought at Lexington and Concord. The British were moving out of Boston (where they had seized privately owned firearms, much like today’s leftists would like to do) to seize patriot guns at Concord when they were met first by patriots bearing arms on the Village Green in Lexington, and later in the day at Old North Bridge in Concord.

In short, the shots heard ‘round the world were fired with unregistered guns.

Another amendment to the Constitution, the 25th, provides for a process to remove a president from office who may no longer be able to function as president. In Biden’s case, it is widely thought that the 77-year-old former vice president is suffering from cognitive decline, if not outright dementia. Were he to be elected president, and need to step down, that would mean his running-mate, Senator Kamala Harris, would succeed him as president of the United States.

And Senator Harris, while district attorney in San Francisco, signed onto a “friend of the court” brief in the Heller court case, arguing that the Second Amendment does not protect the right of an individual to keep and bear arms.

If Americans treasure the Second Amendment, or for that matter, any other part of the Constitution of the United States, they do not want either of these two candidates who disrespect your right to keep and bear arms in position to threaten those rights.

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