

Federal Gun Control in America: A Historic Guide to Major Federal Gun Control Laws and Acts

For Americans, the crux of gun control laws has been how to disarm dangerous individuals without disarming the public at large. Ever-present in this quest is the question of how the perception of danger should impact guaranteed freedoms protected within the Bill of Rights.

Not only is such a balancing act difficult as-is, but there are also two additional factors that make it even more challenging: America's federal government is constitutionally bound by the Second Amendment, and politicians notoriously take advantage of tragedies to pass irrational laws when emotions are at their highest. As President Obama's former Chief of Staff, Rahm Emanuel, once famously remarked:

"You never want a serious crisis to go to waste. And what I mean by that is an opportunity to do things you think you could not do before."

This line of thought is not new to American politics. From the emancipation of enslaved Americans and the organized crime wave of the 1930s to the assassinations of prominent leaders in the 1960s and the attempted assassination of President Reagan in the 1980s, fear has proved a powerful catalyst for appeals about gun control.

Below is an overview of the history behind major gun control laws in the federal government, capturing how we've gone from the Founding Fathers' America of the New World to the United States of the 21st century.

Second Amendment in America's Bill of Rights: Ratified December 15, 1791

Congress added the Bill of Rights to the Constitution of the United States specifically "to prevent misconstruction or abuse of its powers." The Second Amendment is the foundational cornerstone of every American's right to bear arms, stating:

"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."

The right to bear arms was second only to the first – the most vital freedoms of religion,

speech, the press, the right to assemble and the right to petition government for redress of grievances. Meanwhile, conflicting views have left government and personal interest groups struggling to reconcile technological advances, isolated but significant violent anomalies and the constitutional mandate protecting the natural right to self defense and this most basic aspect of the Bill of Rights.

First and Second Militia Acts of 1792: Passed May 2 and 8, 1792

The U.S. Congress passed the Militia Acts of 1792 less than a year after the Second Amendment's ratification. The first act's purpose was "to provide for the National Defence, by establishing an Uniform Militia throughout the United States." This measure established the need and command structure for a state-based militia. The second act defined conscription parameters for those militias, limiting armed service to "each and every free able-bodied white male citizen" 18 to 45.

Colonial Gun Regulations

Even today, the majority of firearms laws are state-based and vary considerably. While California, Connecticut and New Jersey have the most restrictive laws, Arizona, Vermont and Kentucky have some of the least stringent. For more than a century, the young United States relied primarily on "state" laws:

- The earliest came from Virginia, the result of fear of attack by Native Americans. The 1619 law imposed a three-shilling fine on able-bodied men who failed to come armed to church on the Sabbath.
- By 1640, slave codes in Virginia prohibited all "free Mulattos and Negroes" from bearing arms. In 1712, South Carolina enacted a similar law.
- During this time in Virginia, gun laws for Native Americans were similar to those for white men – as they were not barred from possessing guns (unless they were gathering food on land held by white men). There were, however, prohibitions against *providing* "Indians" with weapons and ammunition. Native Americans could own weapons, but there were strict regulations on how they could obtain them.
- Throughout the Antebellum South, Louisiana, Florida, Maryland, Georgia, North Carolina, Mississippi and even Delaware all passed multiple measures denying guns to people of color, requiring court-issued permits, and allowing search and seizure of weapons as well as punishment without trial.

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