

1789 AND AMERICAN GUN RIGHTS

A documented guide to the founding-year events that shaped the Second Amendment

The central connection is precise: in 1789 the new federal government began operating, James Madison introduced amendments protecting individual liberties, Congress debated and revised an arms provision, and on September 25 Congress proposed the amendments that later became the Bill of Rights. The Second Amendment was ratified on December 15, 1791.

Prepared for 1789 Arms LLC

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Executive Summary

The year 1789 did not create an unrestricted modern firearms code. Its significance is constitutional and institutional. The First Congress translated founding-era concerns about militias, standing armies, centralized military power, personal security, and resistance to oppression into proposed constitutional language protecting the right of the people to keep and bear arms.

The strongest historical link between 1789 and American gun rights is the congressional drafting process that produced the provision later ratified as the Second Amendment. That process unfolded alongside the launch of the new constitutional government and active federal attention to a national militia system.

Key Timeline

Date	Event	Gun-rights significance
March 4, 1789	The First Congress convened under the new Constitution.	Created the federal legislature that would debate and propose a bill of rights.
April 30, 1789	George Washington was inaugurated as the first President.	Placed the new constitutional government into full operation.
June 8, 1789	James Madison introduced proposed constitutional amendments.	Began the formal congressional path toward an arms guarantee.
July 28, 1789	A House committee report included a militia-and-arms provision.	Explicitly linked a militia composed of the people with keeping and bearing arms.
August 7, 1789	Washington urged early attention to a uniform and effective militia system.	Shows militia organization was an active national policy question.
August 24, 1789	The House approved proposed amendments.	The arms provision moved through the formal amendment process.
September 25, 1789	Congress proposed 12 amendments to the states.	The fourth proposed article later became the Second Amendment.
December 18, 1789	Washington recorded work on a national militia plan.	Demonstrates continuing executive concern with militia structure.
December 15, 1791	Ten amendments were ratified.	The 1789 arms proposal became the Second Amendment.

Historical Foundations Before 1789

The 1789 debate did not begin from a blank slate. The English Bill of Rights of 1689 recognized that Protestant subjects could have arms for their defense, subject to conditions stated in that law. In America, colonial conflict with British authority, Revolutionary experience, and state declarations of rights added concerns about local militias, standing armies, civil control of the military, and arms-bearing.

State Precedents

The Pennsylvania Declaration of Rights of 1776 stated that the people had a right to bear arms for the defense of themselves and the state, while warning that standing armies in peacetime were dangerous to liberty.

Massachusetts in 1780 recognized a right to keep and bear arms for the common defense and emphasized civilian control of military power.

The Ratification Problem

The federal Constitution granted Congress important military powers, including authority concerning armies and the militia. Anti-Federalist concerns about centralized authority and standing armies helped fuel demands for a bill of rights. The amendments offered in 1789 were intended to provide clearer limits and declarations of protected liberties.

Interpretive Caution

Founding-era sources connect arms and militia concepts closely, but the precise legal scope of the Second Amendment has remained disputed. A sound historical account distinguishes the documented 1789 drafting history from later judicial interpretations.

The 1789 Drafting Story

June 8: Madison Introduces Amendments

James Madison proposed amendments in the House of Representatives. His effort responded to demands for express protections and began the congressional drafting process that would yield the Bill of Rights. Madison initially favored integrating changes into the Constitution rather than appending them as a separate list.

July 28: House Committee Language

A House committee report used language describing a well-regulated militia “composed of the body of the people” as the best security of a free state, protected the right of the people to keep and bear arms, and included a conscientious-objector clause. This was an intermediate draft, not the final constitutional wording.

August: Revision and Placement

The House continued revising the amendments. Roger Sherman argued for appending amendments rather than inserting them into the original text, and the House adopted the supplemental approach. On August 24, the House approved proposed articles and sent them onward in the legislative process.

September 25, 1789: The Decisive Event

On September 25, the First Congress approved a joint resolution proposing twelve constitutional amendments to the states. The arms provision appeared as “Article the fourth” because two proposals concerning representation and congressional compensation came before it. When Articles Three through Twelve were ratified in 1791, the arms provision became Amendment II.

Final Ratified Wording

“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.”

Why the Numbering Changed

Congress proposed twelve amendments in 1789, but the states ratified ten in 1791. Because the first two proposed articles were not then ratified, the third proposed article became the First Amendment and the fourth became the Second Amendment. The congressional-compensation proposal was eventually ratified in 1992 as the Twenty-Seventh Amendment; the apportionment proposal remains unratified.

What 1789 Accomplished

1789 established the text and sent it into the Article V ratification process. It is accurate to call 1789 the proposal year or drafting year of the Second Amendment. It is not accurate to call 1789 the ratification year. Ratification occurred on December 15, 1791.

Militia Policy in the Same Year

On August 7, 1789, President Washington urged Congress to give early attention to a uniform and effective militia system. A House committee was appointed the next day to bring in a militia bill. Washington’s diary for December 18 records that Washington reviewed militia plans and organized thoughts on a national militia.

These events are related to the constitutional setting because the proposed amendment expressly referred to a “well regulated Militia.” The events do not, by themselves, settle every question concerning private firearm possession. The events show that the militia was a concrete governance and defense issue in 1789, not merely an abstract phrase.

Meaning and Modern Relevance

Historically Supportable Conclusions

- 1789 is the year Congress formally developed and proposed the constitutional language that became the Second Amendment.
- The drafting record placed “the people,” keeping and bearing arms, a free state, and a well-regulated militia within the same provision.
- The debate grew from older English and American traditions, Revolutionary experience, state declarations of rights, distrust of standing armies, and concern about centralized military authority.
- Militia organization was an active federal policy issue during 1789.
- The constitutional text became legally effective only after state ratification in 1791.

Modern Legal Framework

Later law determines how the Second Amendment operates today. In *District of Columbia v. Heller* (2008), the U.S. Supreme Court held that the Amendment protects an individual right to possess a firearm for historically lawful purposes, including self-defense in the home, while also stating that the right is not unlimited. In *McDonald v. City of Chicago* (2010), the Court held that the right applies against state and local governments through the Fourteenth Amendment. These are modern holdings, not events of 1789.

Suggested 1789 Arms LLC Statement

“1789 marks the year the First Congress proposed the Bill of Rights, including the provision that became the Second Amendment. The name connects our company to the founding-era principles of liberty, civic responsibility, and the right of the people to keep and bear arms.”

Accuracy Notes

- Do not say the Second Amendment was ratified in 1789. It was proposed in 1789 and ratified in 1791.
- Do not describe the Constitution itself as having been written in 1789. It was drafted in 1787; the new federal government began operating under it in 1789.
- Do not treat every militia proposal from 1789 as identical to the Second Amendment. Militia administration and the constitutional right were related but distinct subjects.
- Do not claim the 1789 record alone resolves every modern regulatory question. Modern doctrine also depends on later constitutional amendments, statutes, and court decisions.

Sources and Further Reading

1. [National Archives: The Bill of Rights - Transcription](#)
2. [National Archives: The Bill of Rights](#)
3. [Library of Congress: Right to Bear Arms](#)
4. [Library of Congress: House Committee Report, 1789](#)
5. [Library of Congress: Right to Bear Arms Documents](#)
6. [Constitution Annotated: Historical Background](#)
7. [Constitution Annotated: Second Amendment](#)
8. [Founders Online: Washington Diary, December 18, 1789](#)
9. [U.S. Senate: The Significance of March 4](#)
10. [U.S. Senate: First Inauguration](#)
11. [Law Library of Congress: Second Amendment](#)

Editorial Note

This document is a historical summary, not legal advice. The layout and all text are editable in Microsoft Word. Because the content is live text rather than page images, it should remain sharp when zoomed or printed.