

Does this interpretation seem implausible? In fact the major Supreme Court decision on the Second Amendment seemed to adopt it; and this has been the law for more than sixty years. In *United States v. Miller*, decided in 1939, the Supreme Court held that Congress could forbid the interstate transportation of sawed-off shotguns.⁴ The Court said that the Second Amendment must be interpreted in light of the constitutional goal of recognizing and permitting militias. "With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view." The Court believed this point was enough to establish the legitimacy of the law in question. There was no evidence that sawed-off shotguns have "some reasonable relationship to the preservation or efficiency of a well regulated militia." Hence the Court could not "say that the Second Amendment guarantees the right to keep and bear such an instrument."

If this pronouncement is taken seriously, then almost all gun control legislation is constitutionally fine. And if the Court is right, then fundamentalism does not justify the view that the Second Amendment protects an individual right to bear arms. Those who contend that it does are arguing politics, not law.

Of course, the Supreme Court could have been wrong in the *Miller* case. But its reading of the text is reasonable, and the history is not without ambiguity. I am not insisting that there is no individual right to bear arms; the history can plausibly be read to support that right. But on the Constitution's text, fundamentalists should not be so confident in their enthusiasm for invalidating gun control legislation. In fact they face an additional obstacle. I have noted that the Second Amendment, like the rest of the Bill of