University of Wyoming | College of Law
Firearms Research Center

Paper No. 2025-4
April 17, 2025
Working Paper

Textualism, *Heller*, and the Second Amendment: Terms of Art and Language Drift

David T. Hardy[*]

In District of Columbia v. Heller*, the Supreme Court recognized that the Second Amendment guarantees an individual right to keep and bear arms and adopted an originalist and (largely) textualist approach to interpreting that right. Both teachings were reinforced by subsequent rulings in* McDonald v. City of Chicago,[1] Caetano v. Massachusetts,[2] New York State Rifle & Pistol Ass'n v. Bruen,[3] *and* United States v. Rahimi.[4]

Under this originalist/textualist approach, however, two questions have been raised. First, did the use of "bear arms" encompass civilian possession of arms for private self-defense? Second, to whatever extent that the Second Amendment's prefatory clause, regarding the necessity of a "well regulated militia," sheds light on the following clause guaranteeing a right to keep and bear arms, does the reference to "well regulated" suggest that regulation of the right is acceptable? This paper explores these two questions.

---

[*] David T. Hardy, PC, Tucson, Arizona. Mr. Hardy's articles on firearms laws and the right to arms have been cited by the United States Supreme Court in McDonald v. City of Chicago, 561 U.S. 742, 762 n.10 (plurality opinion); *id.* at 841 (Thomas, J., concurring) (2010) and Staples v. United States, 511 U.S. 610, 626 n.4 (1974) (Stevens, J., dissenting), as well as by eleven U.S. Circuit Courts of Appeals. He authored or coauthored amicus briefs in *Heller*, *McDonald*, and *Bruen*.

[1] 562 U.S. 742 (2010) (incorporating the Second Amendment by the Fourteenth Amendment).

[2] 577 U.S. 411 (2016) (*per curiam*) (striking down a ban on "stun guns").

[3] 597 U.S. 1 (2022) (striking down a requirement of a permit, issued or withheld based on vague criteria, for carrying of a firearm).

[4] 602 U.S. 680 (2024) (upholding a statute banning firearms possession by persons subject to a domestic violence restraining order issued after a judicial finding that they posed a threat of violence).

> 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.
>
> —U.S. Constitution, Amendment II.[5]

> In interpreting this text, we are guided by the principle that "[t]he Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning." Normal meaning may of course include an idiomatic meaning, but it excludes secret or technical meanings that would not have been known to ordinary citizens in the founding generation.
>
> —*District of Columbia v. Heller*.[6]

I. Was "Bear Arms" Identical to "Carry a Weapon"? Evidence of Eighteenth- and Nineteenth-Century State Constitutions

In *District of Columbia v. Heller*,[7] the Supreme Court held that "bear arms" encompassed civilian carry of arms for self-defense.[8] The *Heller* majority argued that, at the time of the framing, "bear arms" was *frequently* used to describe non-military carrying, while the *Heller* dissenters argued that the *great majority* of "bear arms" references during this period related to military carrying.[9]

In the years after *Heller*, the "bear arms" dispute was heightened by the creation of *corpus linguistics* and related databases. These were enormous machine-searchable historical databases, reflecting word usage, complied from diaries, letters, newspapers, and books, and further subdivided by subject or era.[10] BYU's *Corpus of Founding Era American English,* for example, spans 1760–1799, and contains over 127,000 documents.[11] Scholars employed these databases to give support for the dissent's conclusion that in the framing period the popular

[5] U.S. CONST. amend. II.
[6] 554 U.S. 570, 576–77 (2008).
[7] 554 U.S. 570 (2008).
[8] *Id.* at 584.
[9] *Compare Heller*, 554 U.S. at 588–90, *with id.* at 646–49 (Stevens, J., dissenting). *See also* McDonald v. Chicago, 561 U.S. 742, 932 (2010) (Breyer, J., dissenting); Clayton E. Cramer & Joseph Edward Olson, *What Did "Bear Arms" Mean in the Second Amendment?*, 6 GEO. J.L. & PUB. POL'Y 511 (2008).
[10] *See* LAW & CORPUS LINGUISTICS, BYU LAW, https://lawcorpus.byu.edu (last visited April 7, 2025).
[11] LAW & CORPUS LINGUISTICS, BYU LAW, CORPUS OF FOUNDING ERA AMERICAN ENGLISH, https://lawcorpus.byu.edu/cofea;showCorpusInfo=true/concordances (last visited April 15, 2025) (login using Google account).

use of "bear arms" had a predominantly military context,[12] an argument repeated in amicus briefs in *New York State Rifle and Pistol Ass'n v. Bruen*.[13]

This article will explore the rather different issue of whether the framing generations saw "bear arms" as having an idiomatic meaning. That is, did they see the phrase "bear arms" as a constitutional term of art?

An examination of state constitutions from Independence to the ratification of the Fourteenth Amendment shows unequivocally that "bear arms" was used to describe self-defensive use as well as military employment. Whatever the use of "bear arms" in common speech over this period, when used in constitution-drafting it was nearly universally accepted as covering the carrying of arms for self-defense.

A. *Uses of "Bear Arms," Without "Keep," 1776-1868*

Over the period 1776–1868, many states guaranteed a right to arms, but they rarely used the federal Second Amendment as a model. Only Rhode Island and Georgia did so, guaranteeing a right to "keep and bear" arms with no elaboration on the purpose of the guarantee.[14]

All the remaining states adopting a right to arms guarantee followed one of two models. The first, patterned after Pennsylvania's 1776 constitution, guaranteed a right to "bear" (but not one to keep) arms,[15] while the other, patterned after Massachusetts' 1780 provision, guaranteed both keeping and bearing of arms. Both models added a provision explaining the purpose of the guarantee, in terms of "for the defense of" individuals and/or their governments.

The first model enables us to focus specifically on "bear" arms, to the exclusion of "keep."

---

[12] *See* Kyra Babcock Woods, *Corpus Linguistics and Gun Control: Why* Heller *is Wrong,* 2019 BYU L. REV. 1401, 1419–20 (2019); Dennis Baron, *Corpus Evidence Illuminates the Meaning of Bear Arms*, 46 HASTINGS CONST. L. Q. 509, 510-13 (2019); Josh Blackman & James C. Phillips, *Corpus Linguistics and the Second Amendment*, HARV. L. REV. BLOG (Aug. 7, 2018), https://harvardlawreview.org/blog/2018/08/corpus-linguistics-and-the-second-amendment. *But see* Josh Jones, *The "Weaponization" of Corpus Linguistics: Testing Heller's Linguistic Claims*, 34 BYU J. PUB. L. 135, 156–73 (2019).

[13] *See* Brief for Corpus Linguistics Professors and Experts Amici Curiae, and Brief for Neal Goldfarb, *N.Y. State Rifle and Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022) (No. 20-843).

[14] RHODE ISLAND CONST. OF 1842, art. I, § 22; GA. CONST. OF 1865, art. I, § 22.

[15] This likely reflected an understanding that, since one could not carry arms without possessing them, "keep" was surplusage.

We should note that some states described the arms right as one of "the people," and used the plural "themselves" in the purpose clause, while others described it was one of "every person" or "every citizen," and used "himself" or its equivalent to describe the purpose.

We will examine the relevant state constitutions in chronological order,[16] beginning with four early examples of the two principal patterns of such guarantees:

Year	State	Arms Right	For the Defense of
1776	PA	"bear arms"	"themselves and the state"[17]
1776	NC	"keep and bear"	"the State"[18]
1777	VT	"bear arms"	"themselves and the State"[19]
1780	MA	"keep and bear"	"common defense"[20]

From this point, we will focus on the Pennsylvania model, guaranteeing a right to "bear arms" for individual and collective self-defense. Where a state re-adopted a constitutional provision substantially identical to an earlier provision, it will be designated with an asterisk; where it adopted a differing guarantee, it is given a double asterisk.

Year	State	Arms Right	For the Defense of
1790	PA*	"bear arms"	"themselves and the State"[21]
1792	KY	"bear arms"	"themselves and the State"[22]
1802	OH	"bear arms"	"themselves and the State"[23]
1816	IN	"bear arms"	"themselves and the State"[24]
1817	MS	"bear arms"	"himself and the state."[25]
1818	CT	"bear arms"	"himself and the state"[26]
1819	AL	"bear arms"	"himself and the state"[27]
1820	MO	"bear arms"	"themselves and of the state."[28]
1832	MS	"bear arms"	"himself and the state"[29]

[16] I acknowledge the aid of Prof. Eugene Volokh's encyclopedic work. *See* Eugene Volokh, *State Constitutional Rights to Keep and Bear Arms*, 11 TEX. REV. L. & POL. 399 (2007).
[17] PENN. CONST. OF 1776, ch. 1, cl. xiii.
[18] N.C. DECLARATION OF RIGHTS OF 1776, art. XVII.
[19] VT. CONST. OF 1777, ch. I, § xv.
[20] MASS. CONST. OF 1780, pt. I, art. 17.
[21] PA. CONST. OF 1790, art. IX, § 21.
[22] KY. CONST. OF 1792, art. XII, cl. 23.
[23] OHIO CONST. OF 1802, art. VIII, § 20.
[24] IND. CONST. OF 1816, art. I, § 20.
[25] MISS. CONST. OF 1817, art. I, § 23.
[26] CONN. CONST. OF 1818, art. I, § 17.
[27] ALA. CONST. OF 1819, art. I, § 23.
[28] MO. CONST. OF 1820, art. XIII, § 3.
[29] MISS. CONST. OF 1832, art. I, § 23.

1835	MI	"bear arms"	"himself and the state"[30]
1836	TX	"bear arms"	"himself and the republic"[31]
1838	FL	"bear arms"	"their common defense"[32]
1845	TX**	"keep and bear"	"himself or the State"[33]
1850	MI*	"bear arms"	"himself and the state"[34]
1850	KY*	"bear arms"	"themselves and the State"[35]
1851	OH*	"bear arms"	"their defense and security"[36]
1851	IN*	"bear arms"	"themselves and the State"[37]
1857	OR	"bear arms"	"themselves, and the State"[38]
1859	KS	"bear arms"	"their defense and security"[39]
1865	MO*	"bear arms"	"themselves and the lawful authority of the State"[40]
1868	FL	"bear arms"	"themselves and of the lawful authority of the State"[41]

Over the period 1776 to 1868, the people of Alabama, Connecticut, Florida, Indiana, Kansas, Kentucky, Michigan, Mississippi, Missouri, Ohio, Oregon, Pennsylvania, Texas, and Vermont, fourteen states or over a third of the Union,[42] twenty-one times guaranteed a right to "bear arms" in isolation, without including a reference to "keep." With two ambiguous exceptions (Ohio, 1851, Kansas, 1859) each of these provisions guaranteed a person's right to "bear arms" for purposes that included individual self-defense, defense of "himself" or "themselves."

Whatever its use in common speech, over the relevant period of time, when Americans used "bear arms" in a constitution, it clearly appears they understood that the words covered carrying for self-defense.

[30] MICH. CONST. OF 1835, art. I, § 23.
[31] TEX. REPUBLIC CONST. OF 1836, DECLARATION OF RIGHTS, cl. 14.
[32] FLA. CONST. OF 1838, art. I, § 21.
[33] TEX. CONST. OF 1845, art. I, § 13. The 1845 provision is "keep and bear," but is included here since the 1836 version was "bear."
[34] MICH. CONST. OF 1850, art. 18, § 7.
[35] KY. CONST. OF 1850, art. XIII, § 25.
[36] OHIO CONST. OF 1851, art. I, § 4.
[37] IND. CONST. OF 1851, art. I, § 32.
[38] ORE. CONST. OF 1857, art. I, § 27.
[39] KAN. BILL OF RIGHTS OF 1859, § 4.
[40] MO. CONST. OF 1865, art. I, § 8.
[41] FLA. CONST. OF 1868, DECLARATION OF RIGHTS, § 22.
[42] In 1776 there were 13 states. In 1822, there were 24. In 1868, there were 37.

B. *Keeping and Bearing: Later Nineteenth-Century Arms Guarantees*

There is additional evidence that Americans of the Framing periods understood "bear arms" to include "carry arms for self-defense," and this comes from states that protected rights to "keep and bear" arms.

Over the course of the 19th century, some states attached addenda that assured legislative power to regulate the right to arms, and specifically the carrying of concealed arms. All but one of these addenda clearly focused upon individual, non-military, carrying, and most focused upon concealed carrying. These provisions would only have been necessary if the drafters understood "bear" to include civilian carry of weapons.

The first such state was Kentucky, whose original constitution guaranteed the right to "bear" arms for defense of self and the state, and whose Supreme Court used that to strike down a ban on concealed carry.[43] In 1850, its arms guarantee was amended to append "but the General Assembly may pass laws to prevent persons from carrying concealed arms."[44]

In 1868 Georgia adopted a guarantee paralleling that of the federal Second Amendment, protecting both keeping and bearing, and adding "but the general assembly shall have power to prescribe by law the manner in which arms may be borne."[45] A year later, Texas guaranteed a right to keep and bear arms, adding "under such regulations as the legislature may prescribe."[46]

Two years later (*i.e.*, soon after the ratification of the 14th Amendment) Tennessee, which guaranteed a right to keep and bear arms for the common defense, added "but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime."[47] In 1875, Missouri guaranteed a citizen's keeping and bearing of arms "in defense of his home, person and property," adding "but nothing herein contained is intended to justify the practice of wearing concealed weapons."[48]

1876 saw three more states follow this pattern. The new state of Colorado adopted a guarantee patterned after that of Missouri and similarly ending with "but nothing herein contained is intended to justify the practice of carrying concealed weapons."[49] Texas revised its guarantee to end with "but the Legislature shall have power, by law, to regulate the

[43] *See* Bliss v. Commonwealth, 12 Ky. (2 Litt.) 90, 94 (1822).
[44] KY. CONST. OF 1850, art. XIII, § 25.
[45] GA. CONST. OF 1868, art. I, § 14.
[46] TEX. CONST. OF 1868, art. I, § 13.
[47] TENN. CONST., art. I, § 26.
[48] MO. CONST. OF 1875, art. II, § 17.
[49] COLO. CONST. art. I, § 13.

wearing of arms, with a view to prevent crime."[50] Finally, North Carolina added "[n]othing herein contained shall justify the practice of carrying concealed weapons, or prevent the legislature from enacting penal statutes against said practice."[51] None of these additions would have made sense unless the framers of each saw the right to "keep and bear arms" as including civilian carry.

In sum, the argument that the framing generations, whether of 1791 or of 1868, did not understand "bear arms" *when used in a constitution* to include "carry arms for self-defense" appears untenable. Whatever these generations' word usage in everyday conversation, when the words "bear arms" were used in a constitution, they were understood to mean "carrying for a particular purpose—confrontation," as *Heller* indicated, and this included civilian self-defense.[52]

II. "A Well Regulated Militia": What of the Regulation?

I have elsewhere documented the separate nature of the Second Amendment's two clauses, which had different historical origins, and in the Framing period had two different political constituencies, both of which the First Congress strove to appease.[53] However, some see the two as tightly linked – that is, the right to arms is controlled by the militia-necessity clause, with emphasis on the "well regulated" portion. For example, the Stevens dissent in *Heller* noted:

> The preamble to the Second Amendment makes three important points. It identifies the preservation of the militia as the Amendment's purpose; it explains that the militia is necessary to the security of a free State; and it recognizes that the militia must be "well regulated."[54]

The problem here is not that "well regulated" was a term of art, but rather that the term had a different meaning, and different implications, to Americans of 1791 (and, for that matter, to those of 1868). To modern ears, "well regulated" suggests "controlled in detail by an outside power," and likely by a governmental power. In the eighteenth and nineteenth centuries, however, its meaning implied self-organized and self-controlled.

This is apparent from the Fairfax County Militia Plan of February 1775:

---

[50] TEX. CONST., art. I, § 30.
[51] N.C. CONST. OF 1876, art. I, § 24.
[52] District of Columbia v. Heller, 554 U.S. 570, 584 (2008).
[53] David T. Hardy, *The Janus-Faced Second Amendment: Looking Backward to the Renaissance, Forward to the Enlightenment*, 18 GEO. J.L. & PUB. POL'Y 421 (2020).
[54] *Heller*, 554 U.S. at 640 (Stevens, J., dissenting).

> Threatened with the destruction of our antient laws & liberty . . . and thoroughly convinced that a well regulated militia, composed of the gentlemen, freeholders, and other freemen, is the natural strength and only safe & stable security of a free government. . . .[55]

Yet this "well regulated militia" was not a governmental creation but a voluntary organization:

> We the subscribers, inhabitants of Fairfax county, have freely & voluntarily agreed, & hereby do agree & solemnly promise, to enroll & embody ourselves into a militia for this County. . . .[56]

This usage was widespread during the period. One might have a well regulated family, which would keep its secrets ("So is every family a secret society")[57] and schedule its duties ("In this well-regulated family there was no great bustle; the work was not done upon the spur of the moment.").[58] A clock might be well regulated ,[59] as might a little girl,[60] or a poet's imagination.[61] A medical article might note the advantages, over open fireplaces, of "well-regulated flues" with "well-regulated apertures."[62] The United States might hope for a "well-

[55] KATE MASON ROWLAND, LIFE OF GEORGE MASON 428 (1892).
[56] *Id.*
[57] *Theatrical Editorial in* 1 THE GAVEL: A MONTHLY PERIODICAL 45 (C. C. Burr & John Tanner eds., 1845), https://www.google.com/books/edition/The_Gavel/gQgSAAAAYAAJ?hl=en&gbpv=1&dq=well-regulated&pg=PA45. The author adds, "[s]o does every well regulated family close its doors on the uninitiated. And who has ever made a fool of himself by complaining of this right of a private family?" *Id.*
[58] *Order in Domestic Arrangements, in* 16 THE MOTHER'S MAGAZINE 43, 44 (A. G. Whittelsey ed., 1848), https://www.google.com/books/edition/The_Mother_s_Magazine/d40eAQAAMAAJ?hl=en&gbpv=1&dq=well-regulated&pg=PA44&printsec=frontcover.
[59] *Id.*
[60] JUSTIN MCCARTHY, THE COMET OF A SEASON 148 (1890), https://www.google.com/books/edition/The_Comet_of_a_Season/UTYNAAAAYAAJ?hl=en&gbpv=1&dq=well-regulated&pg=PA148.
[61] 5 THE WORKS AND LIFE OF WALTER SAVAGE LANDOR 478 (1876), https://www.google.com/books/edition/Works_and_Life_Imag_conversations_ser_3/EC8uAAAAYAAJ?hl=en&gbpv=1&dq=well-regulated&pg=PA31.
[62] Dr. Elmore, *On the Injuries to Health Occasioned by Breathing Impure Air in Close Apartments*, *in* 2 THE LANCET 437, 438 (Thomas Wakley ed., 1840), https://www.google.com/books/edition/The_Lancet/ujlPAAAAYAAJ?hl=en&gbpv=1&dq=well-regulated&pg=PA438.

regulated, properly-restrained, safely-limited paper currency,"[63] because "well regulated paper money has an equel [sic] value with gold and silver."[64]

One book of instructions for clergymen counseled that "a well-regulated clergyman's family, when grown up, would be calculated to benefit a parish by the force of good example, no one can doubt; but is it the normal condition of such families to be well-regulated?"[65] The author suggests that clerical families instead tended to produce "ill-conducted boys" and the "fastest men, in a rather low direction."[66] A similar set of instructions, entitled "Reciprocal Duties, or a Well Regulated Church,"[67] used "well regulated" to describe a church whose membership knew religious doctrines,[68] avoided doctrinal innovations,[69] supported its pastor,[70] and did not tolerate the "notoriously wicked."[71]

"Well regulated" was often used to describe a person's own mental state. "We must cultivate the mind – the moral and social faculties; we will then have a well-trained and regulated hope, which will enable us to stand firm…."[72] In contrast, a person might lack a "well-regulated mind" because they were "so impulsive, so foolish, and speaking out of my mind too freely."[73] Indeed, a philosopher could devote an entire chapter to a "View of the Qualities and Acquirements Which Constitute a Well-Regulated Mind."[74] (Among these qualities he listed a habit of paying attention, regulating the succession of thoughts, and inquisitiveness).

---

[63] Daniel Webster, *Remarks, on Different Occasions, on the Removal of the Deposits, and on the Subject of a National Bank*, *in* 2 SPEECHES AND FORENSIC ARGUMENTS 315 (8th ed. 1843), https://www.google.com/books/edition/Speeches_and_Forensic_Arguments/iEI-AAAAYAAJ?hl=en&gbpv=1&dq=well-regulated&pg=RA2-PA315.

[64] S.A. JOERSSON, ADAM SMITH & THOMAS PAINE, A CRITICAL ESSAY 16 (1796), https://www.google.com/books/edition/Adam_Smith_and_Thomas_Paine_A_critical_e/vEZVAAAAcAAJ?hl=en&gbpv=1&dq=well-regulated&pg=PA16.

[65] James Edward Vaux, *Clerical Celibacy*, *in* THE CHURCH AND THE WORLD: ESSAYS ON QUESTIONS OF THE DAY 143, 174 (Orby Shipley ed., 3d ed. 1867), https://www.google.com/books/edition/The_Church_and_the_World_essays_on_quest/S2WCSlqXhcMC?hl=en&gbpv=1&dq=well-regulated&pg=PA174.

[66] *Id.*

[67] JOHN BANE, RECIPROCAL DUTIES, OR A WELL REGULATED CHURCH 93 (1831), https://www.google.com/books/edition/Reciprocal_Duties_or_a_Well_Regulated_Ch/KeX6Fhy19tMC?hl=en&gbpv=1&dq=well-regulated&pg=PA93.

[68] *Id.* at 93.

[69] *Id.* at 45.

[70] *Id.* at 71.

[71] *Id.* at 116–17.

[72] J. Batchellor, Hope, *in* The Gavel, *supra* note 57, at 253–54.

[73] MCCARTHY, *supra* note 60, at 117.

[74] JOHN ABERCOMBIE, INQUIRIES CONCERNING THE INTELLECTUAL POWERS AND THE INVESTIGATION OF TRUTH 348–64 (12th ed. 1846), https://www.google.com/books/edition/Inquiries_Concerning_the_Intellectual_Po/ErEWAAAAQAAJ?hl=en&gbpv=1&bsq=well%20regulated.

The emphasis was on self-control, not on legal standards imposed by a government. "The government of a well-regulated family can not proceed from one head or center,"[75] one text reminded its readers. When Daniel Webster in 1834 called for creation of "a well-regulated and well-constituted bank," he made it clear that this "well-regulated" bank must be "independent of Executive control."[76]

Indeed, governments themselves could be "well regulated." A 1793 political treatise cited "the constitution of a well regulated republic" and the "just rules of a well regulated Republic."[77] One a year later reminded its readers that "The existence of every well-regulated State, indeed of every State at all, relies on public virtue."[78]

The shift toward "well regulated" having implications of detailed governmental control appears to reflect the growth of the administrative state. This is a fairly recent phenomenon: the Code of Federal Regulations did not exist prior to 1938,[79] nor the Federal Register prior to 1936.[80] To Americans of the eighteenth and nineteenth centuries, in short, "well regulated" meant disciplined, self-restrained, and organized, not "subject to governmental restrictions."

Conclusion

The Court noted in *Heller* that its textualist method required the analysis of terms in their "normal and ordinary meanings," but that encompassed "idiomatic" uses. The Second Amendment's reference to "bear arms" furnishes a good example of the latter usage. Americans of the time might not have spoken of "bearing arms" against a deer or a criminal aggressor, but when they used "bear arms" in a constitution they clearly understood it to cover doing exactly that.

---

[75] J. H. Noyce, *Home, Sweet Home*, *in* 5 THE CIRCULAR 1 (Oct. 19, 1868), https://www.google.com/books/edition/Circular/iWJZAAAAYAAJ?hl=en&gbpv=1&dq=well-regulated&pg=PA241&printsec.

[76] Daniel Webster, *Remarks, on Different Occasions, on the Removal of the Deposits, and on the Subject of a National Bank*, *in* 2 SPEECHES AND FORENSIC ARGUMENTS 356 (Daniel Webster ed. 8th 1843), https://www.google.com/books/edition/Speeches_and_Forensic_Arguments/iEI-AAAAYAAJ?hl=en&gbpv=1&dq=well-regulated&pg=RA2-PA356.

[77] EDWARD WORTLEY MONTAGUE, REFLECTIONS ON THE RISE AND FALL OF THE ANCIENT REPUBLICS ADAPTED TO THE PRESENT STATE OF GREAT BRITAIN 231–32, 298 (1793), https://www.google.com/books/edition/Reflections_on_the_Rise_and_Fall_of_the/2tlOAAAAcAAJ?hl=en&gbpv=1&dq=well-regulated+republic&pg=PA231.

[78] *Reflections Occasioned by the Suspension of the Habeas Corpus Act in England*, *in* THE SENTIMENTAL AND MASONIC MAGAZINE 393 (Nov. 1794), https://www.google.com/books/edition/The_Sentimental_and_Masonic_Magazine/JeYRAAAAYAAJ?hl=en&gbpv=1&dq=well-regulated&pg=PA393.

[79] Office of the Federal Register, A Brief History Commemorating the 70th Anniversary of the Publication of the First Issue of the Federal Register 4 (2006).

[80] 1 Fed. Reg. 1 (1936). The Register was authorized by the Act of July 26, 1935, ch. 417, § 3, 49 Stat. 500. The modern version of this enactment is found in 44 U.S.C. § 1504.

The use of "well regulated militia" furnishes, in contrast, an example of the shifting meaning of language. Americans of the framing period(s) understood a well regulated group, or person, or mind, to mean one with self-control, not one required to conform to an outside force.