

[ [Back](#) | [Home](#) ]

The Congressional Finding in the 1986 FOPA that the Second Amendment guarantees "the rights of citizens" to keep and bear arms was supported by the 1982 Senate Report. Additionally, two other scholarly studies were inserted into the legislative record in support of Congress' findings during Senate debate on the Firearms Owners' Protection Act of 1986. *David I. Caplan, Restoring the Balance: The Second Amendment Revisited*, 5 *Fordham Urb. L.J.* [31](#) (1976), reprinted in 131 *Cong. Rec.* S8692 (1985); *Stephen Halbrook, To Keep and Bear Their Private Arms: The Adoption of the Second Amendment, 1787-1791*, 10 *N. Ky. L.R.* [13](#) (1982), reprinted in 131 *Cong. Rec.* S9105 (1985).

The 1986 FOPA Congressional Findings are as follows:

CONGRESSIONAL FINDINGS--The Congress finds that--

(1) the rights of citizens--

(A) to keep and bear arms under the second amendment to the United States Constitution;

(B) to security against illegal and unreasonable searches and seizures under the fourth amendment;

(C) against uncompensated taking of property, double jeopardy, and assurance of due process of law under the fifth amendment; and

(D) against unconstitutional exercise of authority under the ninth and tenth amendments;

require additional legislation to correct existing firearms statutes and enforcement policies; and

(2) additional legislation is required to reaffirm the intent of the Congress, as expressed in section 101 of the Gun Control Act of 1968, that "it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap-shooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes."

(FOPA, 1(b), 100 Stat. 449 (1986) (codified at 18 U.S.C. 926 1986)).

For more information on this topic, and a history of Congressional Intent as it pertains to the Second Amendment, see *Stephen Halbrook, Congress Interprets the Second Amendment*:

*Declarations by a Co-Equal Branch on the Individual Right to Arms*, 62 *Tenn. L.R.* [597](#) (1995), and specifically page [632](#).

For a history of legislative actions leading up to the 1986 FOPA, see David Hardy, *The Firearms Owners' Protection Act: A Historical and Legal Perspective*, 17 *Cumb. L. Rev.* [585](#) (1986).