

# Inquiring Minds - 27 April, 2018

Charlotte Strasser, Moderator

**How can we stop gun violence in America?"**

Given that a vast majority of U.S. voters support background checks, a ban on assault weapons, and higher ages for gun purchases, what is necessary to get some limitations passed?

Will gun control reduce crime, suicide, and murder? 22% of Americans own guns.

Mexico has a higher homicide-by-gun rate than the U.S. despite very strict laws. Why?

What is the justification for ownership of assault weapons?

What can be done to control the N.R.A?

"The debate over the meaning of the 2nd Amendment will never be resolved....For one side, guns are a symbol of individual freedom...a fundamental personal right...For the other side, guns inflict enormous death and pain and suffering and gun control is an essential step towards protecting public safety....

"The debate over the 2nd Amendment can be phrased in the fanciest language and each side can develop sophisticated arguments as to the meaning of the Constitution's text, supported by apt quotation from relevant framers. But in the end these arguments are just ways in which each side defends its deeply held views about guns and gun control.

"At any given point in time, certain issues define who is a liberal and who is a conservative. Guns today seem to be such an issue."

-Erwine Chemerindy, Fordham Law Review.

"Rarely in my lifetime have I seen the type of civic engagement schoolchildren and their supporters demonstrated in Washington...this past Saturday. These demonstrations demand our respect. They reveal the broad public support for legislation to minimize the risk of mass killings of schoolchildren and others in our society.

"That support is a clear sign to lawmakers to enact legislation prohibiting civilian ownership of semiautomatic weapons, increasing the minimum age to buy a gun from 18 to 21 years old, and establishing more comprehensive background checks on all purchasers of firearms. But the demonstrators should seek more effective and more lasting reform. They should demand a repeal of the 2nd Amendment.

"Concern that a national standing army might pose a threat to the security of the separate states led to the adoption of that amendment, which provides that '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.' Today that concern is a relic of the 18th century.

"For over 200 years after the adoption of the 2nd Amendment, it was uniformly understood as not placing any limit on either federal or state authority to enact gun control legislation. In 1939 the Supreme Court unanimously held that Congress could prohibit the possession of a sawed-off shotgun because that weapon had no reasonable relation to the preservation of efficiency of a 'well regulated militia.'

"During the years when Warren Burger was our chief justice (1969-1986), no judge, federal or state, as far as I am aware, expressed any doubt as to the limited coverage of that amendment. When ...the National Rifle Association disagreed with that position and began their campaign claiming that federal regulation of firearms curtailed 2nd Amendment rights, Chief Justice Burger publicly characterized the N.R.A. as perpetrating 'one of the greatest pieces of fraud, I repeat the word fraud, on the American public by special interest groups that I have ever seen in my lifetime.'

"In 2008, the Supreme Court overturned Chief Justice Burger's and others' long-fettled understanding of the 2nd Amendment's limited reach by ruling, in *District of Columbia v. Heller* that there was an individual right to bear arms. I was among the four dissenters.

“That decision—which I remain convinced was wrong and certainly was debatable—has provided the N.R.A. with a propaganda weapon of immense power. overturning that decision via a constitutional amendment to get rid of the 2nd Amendment would be simple and would do more to weaken the N.R.A.’s ability to stymie legislative debate and block constructive gun control legislation than any other available option.

“That simple but dramatic action would move Saturday’s marchers closer to their objective than any other possible reform. It would eliminate the only legal rule that protects sellers of firearms in the United States—unlike every other market in the world. It would make our schoolchildren safer than they have been since 2008 and honor the memories of the many, indeed far too many, victims of recent gun violence.”

-retired associate justice of the U.S Supreme Court, John Paul Stevens, New York Times