

Inquiring Minds -June 18, 2021

Bob Barger, Moderator

The Second Amendment

QUESTIONS

1. What was the intent of the Second Amendment and what should be its interpretation today?
2. Do you agree or disagree with the legal precedents of 2008/2010?
3. Do you think the availability and number of guns (per 100 residents) in US compared to other countries, contributes to more murders (per 100,000 population) in the US compared to other countries?
4. Should people with medical diagnosis of mental illness be able to purchase firearms. Why or why not?
5. Does the ability to “straw purchase” effectively get around almost any gun law you pass?
6. Should “Assault” weapons (AK 47) be available for public purchase? Why or why not?
7. Should there be any exceptions to the need to do a background check on anyone who purchases a gun from a non-relative?
8. What law would you write (or what would you do) to address the gun violence in the US?

The text of the Second Amendment reads in full: **“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.”** During the Revolutionary War era, “militia” referred to groups of men who banded together to protect their communities, towns, colonies and eventually states, once the United States declared its independence from Great Britain in 1776. Shortly after the U.S. Constitution was officially ratified, James Madison proposed the Second Amendment as a way to empower these state militias. The Second Amendment did establish the principle that the government did not have the authority to disarm citizens. Practically since its ratification, Americans have debated the meaning of the Second Amendment, with vehement arguments being made on both sides. The crux of the debate is whether the amendment protects the

right of private individuals to keep and bear arms, or whether it instead protects a collective right that should be exercised only through formal militia units. Those who argue it is a collective right point to the “well-regulated Militia” clause in the Second Amendment. They argue that the right to bear arms should be given only to organized groups, like the National Guard, a reserve military force that replaced the state militias after the Civil War. On the other side are those who argue that the Second Amendment gives all citizens, not just militias, the right to own guns in order to protect themselves. The National Rifle Association (NRA), founded in 1871, and its supporters have been the most visible proponents of this argument, and have pursued a vigorous campaign against gun control measures at the local, state and federal levels. Since the passage of the Brady Handgun Violence Prevention Act in the 1990s, the debate on gun control has changed dramatically. This is partially due to the actions of the Supreme Court, which departed from its past stance on the Second Amendment with its verdicts in two major cases, *District of Columbia v. Heller (2008)* and *McDonald v. Chicago (2010)*. For a long time, the federal judiciary held the opinion that the Second Amendment remained among the few provisions of the Bill of Rights that did not fall under the due process clause of the 14th Amendment, which would thereby apply its limitations to state governments. But in its 5-4 decision in *District of Columbia v. Heller*, which invalidated a federal law barring nearly all civilians from possessing guns in the District of Columbia, the Supreme Court extended Second Amendment protection to individuals in federal (non-state) enclaves. Two years later, in *McDonald v. Chicago*, the Supreme Court struck down (also in a 5-4 decision) a similar citywide handgun ban, ruling that the Second Amendment applies to the states as well as to the federal government. In the majority ruling in that case, Justice Samuel Alito wrote: “Self-defense is a basic right, recognized by many legal systems from ancient times to the present day, and in *Heller*, we held that individual self-defense is ‘the central component’ of the Second Amendment right.” Since that verdict, as lower courts battle back and forth on cases involving such restrictions, the public debate over Second Amendment rights and gun control remains very much open, even as mass shootings became an increasingly frequent occurrence in American life. **One in three mass shooters were legally prohibited from possessing firearms at the time of the shooting.**

A study calculated the attributable risk, or how much of all violence was due to having a mental condition, and found that **just 3% to 5% of all violence was due to mental illness** alone. Or, as the National Council for Behavioral Health explained in its August 2019 report, “This means that if we could eliminate the elevated risk of violence that is attributable directly

to having schizophrenia, bipolar disorder or major depression, the overall rate of violence in society would go down by only 4 percent; 96 percent of violent events would still occur, because they are caused by factors other than mental illness.”

2020 Data on Murder rate per 100.000 population: Japan 0.2, Italy 0.7, Germany 1.0, UK 1.2, Canada 1.8, Turkey 4.3, **US 5.3**, Congo 14, Venezuela 51

2020 Data on the number of civilian guns per 100 residents: **US 120**, Iraq 20, Italy 15, Germany 15, Mexico 13, Russia 12, Spain 8, England 5, Japan 0.5

What the data says about gun deaths in the U.S. BY JOHN GRAMICH, PEW RESEARCH GROUP

What share of U.S. gun deaths are murders and what share are suicides?

Though they tend to get less attention than gun-related murders, suicides have long accounted for the majority of U.S. gun deaths. In 2017, **six-in-ten gun-related deaths in the U.S. were suicides (23,854)**, while 37% were murders (14,542), per the CDC.

What share of all murders and suicides in the U.S. involve a gun?

Three-quarters of all U.S. murders in 2017 – 14,542 out of 19,510 – involved a firearm. About half (51%) of all suicides that year – 23,854 out of 47,173 – involved a gun.

How has the number of U.S. gun deaths changed over time?

The **39,773 total gun deaths in 2017 were the, most since at least 1968**, the earliest year for which the CDC has online data. Both gun murders and gun suicides have gone up in recent years: The number of gun murders rose 32% between 2014 and 2017, while the number of gun suicides rose each year between 2006 and 2017 (a 41% increase overall).

Which types of firearms are most commonly used in gun murders in the U.S.?

In 2017, **handguns were involved in the majority (64%) of the 10,982 U.S. gun murders** and non-negligent manslaughters for which data is available, according to the FBI. Rifles – the category that includes many guns that are sometimes referred to as “assault weapons” – were involved in 4%. Shotguns were involved in 2%. The remainder of gun homicides and non-negligent manslaughters (30%) involved firearms that were classified as “other guns or type not stated.”

Where Do Guns Used to Commit Shootings in Chicago Come From? Aug 14, 2018

There are no gun shops in Chicago, but the city is inundated with firearms.

Police have seized more than 5,600 illegally-possessed guns in Chicago this year alone, including 60 the weekend of August 3-5, when 66 people were shot and 12 killed between Friday evening and Sunday morning.

“Getting a gun in the city is like buying a pack of cigarettes at a gas station,” Wesley Pickett, a resident convicted of selling guns illegally, said in a 2017 letter from prison sent to ProPublica.

So, where do the guns that fuel this violence come from, and what is being done to stem the flow of these weapons into the city?

Out-of-State Imports

About **six in ten “crime guns” seized by Chicago Police originated from gun shops outside of Illinois**, according to a 2017 report issued by the department. Crime guns are defined by law enforcement as those that are “illegally possessed, used, or suspected to be used in furtherance of a crime.”

In about **95 percent of cases, the person found in possession of a crime gun is not the original purchaser of the weapon**, the report said.

The Law Center to Prevent Gun Violence ranks Illinois’ gun laws as the eighth toughest in the country.

No such laws exist in neighboring states such as Indiana, making them a target for traffickers seeking to sell weapons on the black market in Chicago.

About 21 percent of guns confiscated by police in Chicago are traced back to gun shops across the border in Indiana, a short drive from the city.

A co-owner of one gun shop in a suburb of Chicago — Midwest Sporting Goods in Lyons, Ill. — told The Globe Post there’s little the shop can do to prevent straw purchases.

“Unfortunately, you can’t be a mind reader,” he said. “There’s not a whole lot you can do.”