



# FIREARMS

***The Supreme Court’s Heller decision in 2008 confirmed that the 2nd Amendment’s protection of the right to bear arms applies to individuals. In short, the 2nd Amendment means what it says.***

At the same time, the law and the courts have long recognized the need for reasonable, common sense regulation of firearms. For example, it is already illegal to own a fully automatic weapon (only one pull on the trigger) without going through a rigorous, and expensive, process to secure a federal permit. But drawing a line between a three- or five-shot hunting rifle and what many

perceive to be an “assault rifle” because of its appearance or other features isn’t as easy as it sounds.

Balancing a fundamental constitutional right and reasonable regulation has always been the challenge, and it remains so today.

It is also true that enacting laws out of political frenzies rarely turns out well. Making our schools, our communities and our families safer is as serious as it gets, and demands serious, thoughtful action.



## POWER IN PROCESS

***Step one is to turn down the hateful and divisive rhetoric, and that begins at the top. The very top.***

It also begins in Congress, where all sides need to set aside the partisanship and focus on making us safer, protecting our constitutional rights, and on lives, not votes.

We must, as a country, take action to prevent mass shootings such as we have experienced with increasing frequency in recent years. Red Flag laws, if done correctly, make a lot of sense. Family members, co-

workers, and others with legitimate concerns about a gun owner, including violent behavior or expressed intentions of causing harm, must have somewhere to turn to prevent tragedy. The governing authority must be the judiciary, not politicians or bureaucrats, or even police chiefs. Every gun owner must have access to due process that can only be afforded by a judge or a court who will balance real risk with 2nd Amendment rights. As we know from practice in domestic abuse cases, it is usually possible to get an expedited hearing before a judge within six hours in exigent circumstances.



## HAVING THE HARD CONVERSATIONS

***“Universal” background checks are easier said than done, raise some fundamental concerns, and may not be the overarching solution many seem to believe.*** Almost 80% of current gun sales are already subject to background checks under federal law, and it is not clear that even a more thorough system would have prevented many of the horrific shootings of recent years. Yes, we can consider requiring checks for private sales, but there are tens of millions of firearms in circulation today and thousands of “private” transactions every year, many of them are among parties who are not particularly constrained by reporting requirements.

Of course we must continue to keep automatic weapons out of commercial availability. The definition of what is an “assault weapon” has been and continues to be the subject of heated debate -- a debate that necessarily is technical, as most gun owners know. It’s a conversation

we need to have, but it’s a conversation that requires less politics and more expertise from firearms experts, law enforcement, and informed advocates from all sides who can agree on the basic imperatives of making us safer while protecting our 2nd Amendment rights. I have confidence that it can be done.

Beyond the practical issues, it is also not unreasonable to challenge the wisdom of putting politicians and government agents in the business of deciding who among us is allowed to own a firearm, whether for sport, to hunt, or to protect our families. When all is said and done, we must not go down the path of empowering the government to disarm the population. Throughout history, that never ends well, and it can end in slaughter. The 2nd Amendment exists for a reason, as the courts have confirmed.