

Treat gun violence like the obscenity it is

Guest Column, [Brunswick Beacon](#), 06.01.23

Our children don't have to die for the right to bear arms. We can protect them if we treat the Second Amendment the same way we treat the First.

Once upon a time in America, school shootings didn't happen. Then, in 1989, a gunman with a history of violence used an AK-47 to murder five children and wound 32 at an elementary school in Stockton, California.

That massacre angered Americans. Their outrage grew with more school shootings in 1991 and 1992, until they demanded an Assault Weapons Ban. Former presidents Ronald Reagan, Gerald Ford, and Jimmy Carter supported it, Congress passed it, and President Clinton signed it in 1994.

To prevent a Republican filibuster, the ban contained a 10-year "drop-dead date" unless extended by Congress. In 2004, the Fraternal Order of Police, the International Brotherhood of Police Officers, and the International Association of Chiefs of Police supported its extension, but Republicans controlled the House and Senate and refused to even allow a vote.

The Assault Weapons Ban worked

While the ban lasted there were four school shootings, one with more than five deaths. Since it expired, we've suffered 16 school shootings, 13 with more than five deaths. In 2018, trauma surgeons studied the period before and after the ban and concluded that it could have prevented 314 of America's 448 mass shooting deaths and reduced the risk of dying in mass shootings by 70%.

Gun violence #1 cause of childhood deaths

Fox News polling found overwhelming support for common-sense legislation, including: background checks (87%), age 21 for gun purchase (81%), mental health checks for gun purchase (80%), and restoring the assault weapons ban (61%).

Republican politicians block gun safety legislation and encourage Americans to buy more guns to please the National Rifle Association (NRA). Gov. Kristi Noem (R-SD) told an NRA audience her not-yet 2-year-old granddaughter "already has a shotgun and a rifle." Gov. Greg Abbott (R-TX) tweeted "I'm embarrassed: Texas #2 in nation for new gun purchases, behind California. Let's pick up the pace Texans. @NRA."

When 19 children, ages 9-10, were murdered in Uvalde, Abbott refused to address gun violence, and told Texans to "put aside their own agendas." Republicans say that after every mass

shooting. The reality is, we've suffered 233 mass shootings in 142 days so far this year. If we did as Republicans ask, there would literally never be a day to address gun violence!

Republican politicians' refusal to enact gun safety legislation has made us the only country in the world with more guns than people, and where guns are the #1 cause of death for children and teens. That. Is. Obscene.

We protect children from obscenity

The First Amendment says: "Congress shall make no law ... abridging the freedom of speech, or of the press." The founders believed freedom of speech is the essence of Democracy. Even so, it has limits.

The First Amendment does not protect obscenity. The Supreme Court allows the government to ban "possession and viewing" of child pornography. Noting that "pedophiles use child pornography to seduce other children into sexual activity," the Court permits the government "to protect the victims of child pornography" by enacting legislation to "destroy a market for the exploitative use of children."

If we regulate obscenity and child pornography to protect children from **exploitation**, why don't we regulate guns to protect them from **extermination**?

We can protect children from guns

Republican politicians refuse to regulate guns because they fear the NRA, which spends millions of dollars misleading voters into believing that the Second Amendment is absolute, and that all gun safety legislation is unconstitutional.

U.S. Supreme Court Chief Justice Warren Burger, a Republican, said, "The gun lobby's interpretation of the Second Amendment is one of the greatest pieces of fraud, I repeat the word fraud, on the American people by special interest groups that I have ever seen in my lifetime."

The NRA's fraud includes misleading Americans about the Supreme Court's 2008 Heller decision, which said the Second Amendment gives individuals the right to bear arms. When Supreme Court Justice Antonin Scalia wrote that decision, he added, "Like most rights, the right secured by the Second Amendment is not unlimited."

Scalia wrote that the problem of gun violence is serious, and the Constitution gives the government "tools for combating that problem," including "prohibitions on the possession of firearms by felons and the mentally ill, laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, and laws imposing conditions and qualifications on the commercial sale of arms."

Scalia went even further in limiting the Second Amendment. He upheld the “historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons,’” and said the weapons protected were those “in common use at the time.” Scalia specifically said **“weapons that are most useful in military service—M-16 rifles and the like—may be banned.”** (Emphasis added.)

Scalia called himself an “originalist.” He said the Constitution means what the Founders intended it to mean at the time they wrote it. He recognized that “modern developments” may have rendered the Founders’ weapons obsolete. But, he said, that fact “cannot change our interpretation of the right.” According to Scalia, the Second Amendment guarantees your right to a musket, not an M-16.

The Constitution is not a suicide pact

Republican politicians readily restrict our First Amendment rights by banning books and prohibiting students from viewing masterpieces, like Michelangelo’s David. Yet, they refuse to protect our children from slaughter, based on the NRA’s fraudulent claim that the right to bear arms trumps every other right, including our right to life, liberty and the pursuit of happiness.

Supreme Court Justice Robert H. Jackson warned that every right must be tempered with common sense, so it does not “convert the Bill of Rights into a suicide pact.” We can protect our children by enacting common-sense gun safety legislation. We simply need to treat gun violence like the obscenity it is.

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Kristine Garrity is 2nd Vice Chair of the Brunswick County Democratic Party and has been authorized to submit this column as an official position statement of the BCDP, and on behalf of the BCDP. June is National Gun Violence Awareness Month with observations beginning on June 2, National Gun Violence Awareness Day.