

## Terzian Response to Second Amendment

Thanks to Michael for doing the background research for this seminar. After reviewing the materials and doing some research myself, it seems clear that the Second Amendment, any reasonable person could conclude citizens have a right to own guns in this country. Unfortunately, the latest Supreme Court decision signals that it will be extremely difficult to moderate how guns will be used and under what circumstances. Future attempts to find a sane and coherent gun policy that will protect gun ownership and, at the same time, protect the public against abuse and intimidation seems very unlikely. There are numerous articles that highlight reasonable proposals to mitigate the escalating violence perpetrated with weapons the founding fathers could never have envisioned would be available to the average citizen. Unfortunately, the so-called "originalist" Supreme Court justices seem to have forgotten that they're living in the 21<sup>st</sup> century. I wonder what justice Kavanaugh would have felt if the protesters outside his home were carrying AR 15's. What if he agrees with Bob Barr's position by quoting William Rehnquist in *DeShaney v. Winnebago Cty. DSS*, writing in the majority opinion that "nothing in the language of the Due Process Clause itself requires the State to protect the life, liberty, and property of its citizens against invasion by private actors." Can I infer that law enforcement is not responsible for Kavanaugh's personal safety and it is up to him to defend himself? What action would he be prepared to take to defend his family from menacing left-wing menacing protesters who feel that the government has taken rights away from them?

Speaking of Bob Barr, his "their coming for your guns" essay speaks volumes about the conservative perspective on what it means to be a responsible American citizen. From his paper, I have to assume that he supports armed right-wing militias in their attempt to nullify the 2020 election, as they were acting as true patriots seeking to save democracy. I was a bit confused when he referred to John Locke's essay on natural rights. "While the origins of the concept of natural rights can be traced back to at least Aristotle, it was perhaps John Locke's *Two Treatises of Government* (1689), a favorite among 18th-century intellectuals, including many of our Founders, that elucidated natural rights in the context of what would serve as an important philosophical basis for America's governing framework. As for the concept of natural law, from which natural rights flow, Locke explains it to be 'a liberty to follow my own will in all things...and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man.' From this 'liberty to follow my own will' comes the concepts of natural rights to life, liberty, and property, among others. In fact, it is these natural rights identified by Locke that reverberate in the Declaration of Independence." Somehow, he was able to infer from John Locke that man has, in Barr's words, a God-given right to bear arms. Truly, how can one take away from man what his God has ordained?

Barr believes that discussions of the need for weapons is a liberal trap. He makes it clear that conservatives should not engage in a discussion about weaponry like the AR 15. Rather, "*The more correct and important principle is that a gun is an instrument in the hands of an American that protects fundamental, pre-existing, and God-given rights as enumerated in our Constitution.*" One wonders how far he's willing to go to avoid discussion about the increasingly sophisticated and deadly weaponry in the hands of individual citizens. I suppose if I invent a laser gun that vaporizes anything it hits, I should be protected by the Second Amendment.

Michael proposes the question whether there is a difference between owning a gun at home and carrying one on the street. People who have fears about being able to protect themselves and their

homes take comfort in having a weapon to protect themselves and their family. People who do dangerous work that may target them for violence on the street should also have access to a weapon to protect themselves. People in rural communities may need to rely on weapons to protect themselves or their property from predatory animals. People using weapons in safe recreational areas certainly should have the right to do so. However, people walking the streets with military style weapons with high velocity ammunition that does devastating damage to victims, has become the central problem with the Second Amendment. Surely, every individual right has boundaries that must be weighed against the common good. Do we want our police to be outgunned by criminals? Do we want our institutions invaded by misguided "patriots" whose ideology represents only a minority view of the general public? Do we want to walk down the street and be intimidated by people openly carrying such firearms? Unfortunately, Bob Barr thinks that asking such questions is nothing more than left-wing "take your guns away" zealotry.

I am a pessimist about ever getting sane gun legislation. Until we can register each gun, get all unregistered guns off the street (an almost impossible task), limit the type of guns and ammunition, require gun safety training for new users, and regulate recreational uses to make them safe, there is little hope. Add to this, the direction of the Supreme Court, and it seemed even more hopeless. I think we have to conclude that this homegrown American virus is a risk factor with which we all have to live. Bob Barr, you won, so the blood of this virus is on your hands.