

## **AM2**

The addition of this amendment was somewhat related to the creation of a new national armed forces group and the former state run militias. The textbook specifically mentions that the right to private ownership of firearms didn't really come up all that much, with the debate mostly relating to the armed forces. The amendment intended to facilitate the creation of armed forces however still did allow private ownership of arms in its wording.

Regulations were common, such as the "no firing a gun in city limits" rule or the "African Americans are not allowed to own guns". Some of these are legitimate gun control measures, others not so much.

Furthermore, the definition is debated today, with some arguing that that amendment was only to allow for the armed forces to exist and was not intended for private citizens based on the fact that they talk about a militia, others the other way around: the "right of the people to bear arms" means that it applies to private citizens.

## **LEGISLATION**

First off, gun laws are usually left up to the state to create, leading to wildly different situations between states.

However, the national govt has seen it fit at times to create national laws regarding someone's Second Amendment rights.

- **National Firearms Act of 1934:** requires registration of some firearms, taxes and tariffs others, restricted the sale of some types of firearms that could be risky. Challenged and upheld.
- **Gun Control Act of 1968:** makes mail order sales of any gun illegal and banned the sale of guns to felons, illegal drug users, people with mental illness, etc.
- **Brady Handgun Violence Prevention Act of 1993:** a mentally ill person shot Reagan and some of his staff, one of whom was his press secretary. Brady lived and he and his wife started a movement to prevent handgun violence. They pushed for this legislation, which establishes the 5 day waiting period for handguns to allow for a background check and let people cool down from suicidal or homicidal tendencies. The law expired in 1998, but in its wake it created the National Instant Criminal Background Check System.

## **D.C. v. HELLER of 2008**

In D.C., a security guard desired to go home with his loaded gun, however, a local ordinance prevented such a thing (unless a trigger lock was installed on the gun and a license was applied for). This was unpopular, and Heller sued.

The question was: does that D.C. ordinance which prevents the keeping of a loaded functional firearm in the home violate AM2 rights?

It was appealed several times before reaching the SC, who ruled that since:

- A. the word militia can be interpreted as “all abled bodied persons”, and if it were interpreted as military only, that would not be conducive to a free government, and,
- B. homes are traditionally places where a handgun would be used to defend, and requiring that the handgun within the home be kept unable to work effectively removes the ability to defend,

the D.C. ordinance was not constitutional.