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Article IV, sec 4 and Meaningful Gun Control

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PHILIP T KAPLAN · a month ago 🔗

The course has been interesting and informative. Quite rewarding. So far, it has emphasized history and political science. However, now we are at Article IV and I would like to raise a question of law.

I would be most interested to learn to what degree the participants in the course, faculty and students, agree with my thesis that Article IV, sec. 4 has the potential to overcome many of the obstacles to achieving a reasonable measure of gun control in our country.

My views are summarized in a blog that can be viewed at guncontrollogjam.blogspot.com.

Best to all,

Philip T Kaplan

ptkap@aya.yale.edu

AB Yale '50; LL.B Harv. '53

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Joel Kovarsky · a month ago 🔗

Interesting thought, and thanks for the link. Not being an attorney, I have no idea how this would fly. I do see that that other interpretations of that section (<http://www.annenbergclassroom.org/pages.aspx?name=article-iv-section-4&AspxAutoDetectCookieSupport=1>) appear to interpret "domestic violence" as armed insurrection within the state, as opposed to outside invasion. So I can see those with absolutist views of the 2nd amendment (including those who stand to lose a lot of money with

gun control) would find a constitutional argument against your construct on the grounds that gun ownership and attendant violence does not constitute armed insurrection.

Given the public health menace involved, I would favor anything that worked in terms of better control. But that viewpoint, up to now, has not helped much in terms of legal resolutions.

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Anthony Gary Brown

Signature Track

· a month ago

Philip - would it not be *far* easier to amend the Constitution than to follow your (rather tortuous, in my view) reading of Art IV:4? Are you saying more than, if We The People want to change the law, we can do so by persuasion through the political system? If we can presently neither Amend, nor Pass and Enforce State laws aimed at the gun abuse problem we have, why should your Art IV argument help?

Gary B.

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Joel Kovarsky · a month ago

Gary,

Looking at the recent decision of the 9th circuit (<http://www.scotusblog.com/2014/02/sweeping-ruling-on-guns-in-public/>) liberalizing the potential to carry guns in public places (in California), does not bode well to be able to do much of anything. From that blog entry:

"The Ninth Circuit ruling came in the case of *Peruta v. San Diego County* (Circuit docket 10-56971), and it struck down a county policy law that required a gun owner to get a license to carry a concealed gun in public and restricted licenses to those who could show "good cause" for the need to defend themselves. The mere fact that an individual was concerned about his own safety does not satisfy that requirement."

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