

# BIOET 401Q – Spring 2020

## Gun Rights and Gun Violence

Zoom link: <https://psu.zoom.us/j/654879301>

April 2, 2020

**Second Amendment:** “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

## Case law:

- *U.S. v. Miller* (1939): The right to bear arms was tied to “the preservation or efficiency of a well regulated militia.”
- *D.C. v. Heller* (2008): The Second Amendment guarantees an individual right to possess a firearm unconnected with service in a militia.
- *McDonald v. Chicago* (2010): *Incorporated* the Second Amendment against the states.
- *New York State Rifle & Pistol Assn. v. New York* (2020): Restrictions on firearm ownership / transport (probably moot).

# The Dickey Amendment (1996-2018?)

Provides that “none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control.”

- 1996: Introduced by Jay Dickey (R-AR) after a 1993 CDC-funded *NEJM* study relating firearms to homicides
- 2011: Extended to the NIH; practical effect was to freeze support for public health research on firearm violence
- 2018: Clarified to permit research but not advocacy (but not repealed/removed)
- 2020: First federal appropriation specifically to study gun violence since 1996 (\$25m)

# Legal Restrictions on Scientific Research

- Substantive vs. time / place / manner restrictions
- Substantive examples:
  - Dickey Amendment
  - Embryonic stem cell research (2001-2009 ban + Dickey-Wicker)
  - Bans on human reproductive cloning research (e.g., in France & the U.K.)
  - Others?
- Challenges:
  - Enforceability
  - Specificity / Imprecision
  - Unpredictability (of science)
  - Inertia / resistance to change