



NEO POLITICO

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A New Year

This issue of Neo Politico marks the first year since the birth of the journal. The year gave us all a valuable experience with organizing and publishing media.

There have been a few changes that we'd like to acknowledge. We'd like to thank Syntac.io for managing our website. The website has incorporated new technologies to allow for better navigation of the long term archive. We'd also like to thank Ariel Leung, who will be handling all visual media outputted by Neo Politico. We'd also like to thank all the contributors who gave this platform its substance but also for giving other students a window into their thoughts and values. In a world where the internet inculcates one perspective, Neo Politico's contributors have helped displace the singular narrative of media outlets. Most importantly, thank you. We've come a long way from just a few of our friends supporting us. Every month gives us a new opportunity to expand your horizons. The fact that you spend your time reading through this is deeply appreciated.*

We'd like to also share our vision of the journal. We started this journal as a way to give students a platform. Accessibility has been our top priority. A huge focus for the next year is expanding Neo Politico into more schools and more regions. Expanding any network requires infrastructure of some sort. In the context of Neo Politico, that infrastructure often includes access to software and organizational tools to manage the journal. Another priority for this year is to open up means to accept donations so that we can cover the costs of managing the website and for paying for software that allows people to compile journals. We hope to continue reorganizing and optimizing our contributor and reader network by streamlining communication between the contributors, editors, and journal creators.

* Note: You should definitely contact us about ways we can improve!

The Whitewashing of the Second Amendment

Author: Sabrina Bajwa from the Kinkaid School, TX

April 20, 1999. Two high school seniors arrive at school that day with a mission. A mission to kill. On this day, one of the first major school shootings took place at Columbine High School in Colorado, spurring a national discussion about Second Amendment rights and restrictions. Since the Columbine massacre, hundreds of shootings have happened across America, yet the rhetoric surrounding the gun control debate has become increasingly obscured on both sides, ignoring the root causes and impacts of gun violence. Yet, a fundamental question remains unanswered in the current discourse. If guns have killed so many people, why do they invoke such ardent fervor and adulation? It can be argued that the American desire for guns is not motivated by the actual weapon itself, but rather by the attachment to traditional cultural values that the gun represents.¹ Currently, in the often messy Second Amendment debate that has engulfed the country into a bitter partisan divide, the moderate middle has become tainted, sidelining critical alternative approaches to gun control. It is essential that we move past the shallow discussion of the Second Amendment in order to evaluate a history of hegemonic masculinity that perpetuates the underlying desire for the gun. Only then can we have meaningful and substantive reform in this area.

Before engaging in arguments over the Second Amendment, as a country we must first evaluate the symbolic roles guns have played in establishing traditional notions of power. The gun is a symbol that has become increasingly gendered and fundamentally relies on hegemonic masculinity to fulfill the unconscious desire for valiant ideals such as strength, self-reliance, and control.² Hegemonic masculinity is a system that describes discursive practices that seek to legitimize male domination.³ In the context of guns, males are able to define themselves in contrast to femininity and alternative visions of masculinity because the cherished ideals of being the good husband and protector are ascribed to guns. Power, independence, and authority are essential in playing the role of the “good family man”—one who is empowered to act on the desire to defend his family. In this way, the wife and children become feminized objects necessitating protection from the macho-masculine father figure.⁴

Hegemonic masculinity plays a critical role in the debate over guns because it fundamentally illustrates the appeal of carrying a gun. Consequently, men are able to identify with hegemonic masculinity through fantasies of self-defense and violence. Out of the six million people who have a concealed handgun license, the vast majority are men, lured by a heightened sense of macho, ego, and power that the gun denotes.⁵ These cultural values and constructs have culminated in the developing of the warrior ethos, an ethos in which masculinity is militarized through the glorification of physical “toughness” through the use

of the gun. This warrior ethos also promotes violence as a legitimate way to protect against the “bad guys”, and yet ironically, it is also fraught with critical contradictions.⁶

Who are we really protecting ourselves from?

More often than not, it is a minority group. Men, mostly white, see themselves as noble and even chivalrous as they protect their families from the dangerous Blacks and Latinos. It is important to note that race and class are critical in establishing hegemonic masculinity. The image of the “good gun user” promoted by the NRA and other lobby groups use masculine and racist tropes to propagate guns as a mythic symbol of individualism and protection against the racialized “other”. They mobilize citizens to fight for Second Amendment rights, yet disturbingly turn a blind eye towards the deaths of thousands of innocent people of color killed merely because they are street kids living in the ghetto.⁷ Why do we collectively get so angry when the government tries to restrict our Second Amendment rights, but don’t seem to care when inculpable citizens are being shot? This notion of white male victimization (i.e when the NRA argues that white males are the victims of government restrictions on guns) is particularly harmful because it allows white men to believe that they are artificially disconnected from the system of hegemonic masculinity. Thus, this illicit power allows for hegemonic masculinity to continually remain invisible because it has become the underlying and accepted norm in our society.⁸

In addition to acknowledging hegemonic masculinity, real and substantive gun policy reform can only be crafted after recognizing the racist conceptions and implicit use of cultural values underlying the gun debate through a historical framework. It is a myth that the Second Amendment applies equally to all Americans; the Second Amendment, for the most part, has applied only to whites. In using a gun, the gun holder is able to transcend their weakness by gaining superiority via the perceived power of their gun. Traditionally, this notion has been used when white slave owners have used guns as a means to secure themselves in the instance of a slave revolt.⁹ For example, the Southern militia and slave patrols claimed the right to bear arms (invoking their Second Amendment rights) in order to defend against the hypermasculinized, “violent” black slaves.¹⁰ In invoking their Second Amendment rights, these groups labeled blacks as criminal, aggressive, and threatening, thereby contributing to racist narratives. Whites gained a fundamental advantage over blacks because of their unfettered access to guns, thus ensuring the normalization of the use of arms against blacks. During the Reconstruction era, whites still retained this advantage as many states limited gun ownership to white men.¹¹ Later, the rise of the Ku Klux Klan and other “neo-slave patrols” used guns to threaten and intimidate blacks from voting. These groups legitimized their use of intimidation via guns in claiming that they were driven by a patriotic mission.¹² In stark contrast, during the Civil Rights Movement, the Black Panthers and Malcolm X invoked their Second

Amendment rights, yet black use of arms was not tolerated. The state heavily favored whites and even used the fact that blacks were now using violence via guns to legitimize increased police brutality and white backlash against these movements.¹³ Even today, blacks are not afforded the same Second Amendment privileges as whites. While whites are allowed to own numerous guns because they are considered law-abiding citizens, blacks however, are depicted as “dangerous” when seen with a gun. Therefore, only by deconstructing the implicit racial undertones and historical narrative of the Second Amendment debate, can we begin to formulate policies that will address these issues in a truly honest and constructive way.

Finally, in developing a more salient, contextual grasp of the gun control discussion, we also need to evaluate the myth of the American Frontier/Wild West and the corresponding cultural images surrounding guns that have emerged. Although the NRA pushes its agenda to convince the American public that the gun debate is about the Second Amendment, the bitter debate over gun control is not about the Second Amendment, but rather the implicit American cultural symbols and ways of life attached to it. Historically, the gun has become a prominent rite of passage for children as they are taught that it is emblematic of such undying American values as freedom and individualism.¹⁴ Unfortunately, this sentimental connotation of the gun as an ancestral heirloom negates the ways in which guns have been used in colonial genocide against the Natives, and further establishes imperialistic notions. The myth of the gun as a means to establish freedom and independence has been used by the U.S to invade the Wild West (in Western expansion) to bestow “liberty” and “democracy” on the Native, erroneously using the gun as a romantic symbol rather than one of genocide.¹⁵ In fact, the gun was essential to the defeat of the Natives, to ensure western expansion and the violent forcing of Natives onto reservations. Therein lies the greatest irony; through moral codes of self-reliance, the gun was revered as a symbol of freedom from state oppression, yet simultaneously, it was used to ensure Native subjugation. Thus, it is essential that we examine our country’s historical myths and longstanding cultural images surrounding guns when searching for current day reforms in this area.

With more and more mass shootings, the gun debate has become increasingly murky and muddled throughout the years, due to the superfluous approach to the Second Amendment. For meaningful reform to happen, rather than solely focusing on the Second Amendment in such a myopic way, we must instead evaluate the structural underpinnings of the amendment through a historical prism. In doing so, we can create potential solutions and develop public policies to eliminate systemic inequalities that leave guns overwhelmingly in the hands of whites, construct programs in the areas of public relations and education to unmask gun rights in the U.S., and protect vulnerable communities from further violence. However, until the very vocabulary and substance of the debate shifts to an understanding of both cultural and

historical perspectives shaping gun violence, we will never come up with adequate solutions, and the moderate middle will continue to be ignored.

The Second Amendment: How to Reconcile Gun Control and Strict Constitutionalism

Author: Nicholas Duffee from Bronx Science, NY

School shootings, intercity violence, and terrorist attacks across the United States have brought into question an issue of public policy not commonly discussed throughout most of the 20th century, Gun Control. One of the major issues of the Democratic Party primary in 2016 has been the candidates' stances on how they plan to curtail the usage of guns across the country. The view of many of the communalist philosophy, which identifies more with the Democratic Party than the Republican Party despite its existence in both, is that guns are inherently tools of violence, and that to limit deaths from mass shootings the government should take a variety of actions including banning certain guns and gun accessories and strengthening background checks.

On the other hand, those of the more libertarian philosophy, and coincidentally often of the Republican Party, believe guns can be part of the solution to mass shootings. The right to bear arms gives people the power to defend themselves from attack and deter people from using guns to commit violence in the first place. The argument is also commonly made that targeting guns is a way to divert attention away from an issue which many do not wish to discuss openly in public, mental health, because guns do not actively kill people; rather, people do. Finally, the right of the people to bear arms is enshrined in the Second Amendment to the United States Constitution.

"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."

Or is it?

If one is not a Constitutional scholar, or for any other reason used to reading the Bill of Rights, then one would be lying if one said that they did not need to read that sentence a few times until they realized that it made no sense. Is a well-regulated militia meant to not be infringed? Is it that the militia is necessary both to the security of a free state and the right of the people to bear arms? Is it the right to bear arms that shall not be infringed? It is easily shown by counter example that the Second Amendment has no answers to our modern problems in its text alone.

"A well-regulated militia, being necessary to the security of a free state, and the right of the people to keep and bear arms shall not be infringed."

"A well-regulated militia, being necessary to the security of a free state, shall be maintained; the right of the people to keep and bear arms shall not be infringed."

These two sentences clearly provide the states with the power to control their own militias to protect their autonomy and retain the individual right of the people to bear arms. Why did the founding fathers not choose to clarify these two issues separately? Why is it so intrinsic to the fundamental right to bear arms, if it does exist, that state governments be given the right to a militia? Now, the converse of this is also easy to create.

"A well-regulated militia, being necessary to the security of a free state and the right of the people to keep and bear arms, shall not be infringed."

Here we see that it is the militia that shall not be hindered by the federal government in order to protect the rights of the people to security of the states and the freedom of the people of those states to bear arms without the approval of the federal government.

The only real way to try and renegotiate this confusion is to consider the original intent of the Second Amendment by the founding fathers. This may seem simple, but when considering an issue of government power during the ratification of the Constitution, both at the federal level and at the state conventions, it is impossible to find a full consensus. The federalist group, those more inclined to central authority than others, and anti-federalist group, those more inclined to the rights of the people, both agreed that the national government is likely a threat to the people should there fail to be checks placed to hinder its authority. Where issue was taken was on the question of how best to prevent authoritarianism.

The federalist argument stated that the Second Amendment was meant to allow the states to protect themselves from the encroachment of the federal government, as the colonies had been by the imperial power of Great Britain, with a militia controlled by the governor made up of the people of the state. They based their opinion on the fact that the militias of the American Revolution had been mostly made up of volunteers that served the deliberative bodies of each state.¹⁶ This allowed the government to devolve a certain amount of power to the people while also protecting the states from danger. Another much less savory argument made by the federalists was that the militias were preferable to the power of the individual people of the states as they were less likely to allow guns to enter an unregulated system where they could be used for violence. The most historically forgotten part about this argument is that it was meant to stop not all violence, but specifically to prevent Native American tribes and black slaves from gaining weapons which they could use to bring harm to the states.¹⁷ While this argument is historically unfortunate to the

modern reader, it has many modern parallels which give it merit without the baggage of slavery and genocide which its original making did, such as hate crimes and terror attacks committed with guns.

The anti-federalist argument initially was that the people should preserve the right to bear arms themselves. They argued that they not only feared federal authorities, but state authorities as well. They often cited brawls such as the famous Boston Massacre to show that any official soldiers with weapons can commit unbridled acts of violence against civilians. Without preserving the right to keep and bear arms, how would average citizens protect themselves from this type of violence?

In the end, the anti-federalists could not gain enough support for their position, and thus relented and a middle ground was tentatively agreed upon. This new position agreed with the thesis that the states should be allowed to keep a militia for their own protection against the federal government, but that militia must be as open as possible to all people of the states so that the state governments cannot simply take control of the militias and send them to take the liberties of the people of the states. Multiple other interpretations were also agreed upon as checks against the power of the militias, such as the fact that the militias should be separate from state and local troopers, who should be allowed no arms which are not also made available to the people of the state, and should only be deployed in the case of an impending danger or threat.¹⁸ Additionally, the Fifth Amendment protected citizens from the quartering of soldiers in peacetime and the Fourth Amendment mandated probable cause to search property, thus preventing the takeover of citizens' property and liberty by state officials.

Considering this middle ground, we can now bring back our attention to the modern issues of gun control in America. From an originalism perspective, it is not that the Constitution gives citizens the right to bear arms; rather, the people preserve the right to not be outgunned, so to speak, by the common authorities of the states. This might problematize some bans placed on certain weapons and ammunition because they might not preserve the right for equal fire power, but the need and strength of not only a background check, but also a test for the firearm abilities of the user, could be implemented to make certain that the people keeping their rights will not commit violence using them, either purposefully or accidentally.

But how are these requirements constitutional? Why can the state not simply now determine who is eligible for their Second Amendment right? Well the answer can be found in the way the right to bear arms was articulated by the founding fathers. James Madison described the Second Amendment militia as "A well regulated Militia, composed of the body of the people...", implying that every citizen had a right to

bear arms because of their inherent right to join the militia. Does this mean that the right to bear arms is given exclusively to those in the National Guard and other state authorities? Not necessarily. The modifier of the militia in the Second Amendment is “well-regulated”, thus implying that the states may provide some regulation of their militia, which is open to the entire citizenry. This regulation can be performed through the background check and skill test of the citizens.

Gun control writ large is not unconstitutional, but it will need to be rethought in order to preserve to the rights enshrined by the Second Amendment. So finally, what gun control is legitimate? The only legitimate form of gun control is that which regulates who may have arms, and there can be no arms available to the police which are not available to the people. Who may make these regulations? That is less clear. It might seem to be implied that gun control may only occur at the state level due to its relevance to the state militias. But if this power to be reserved to the states why not place it in the Tenth Amendment or omit it entirely, as the Tenth Amendment says would pass it to the states? That is a question for another day.

Guns ↗ Us

Kylie Lohrenz from the Kinkaid School, TX

Young boys in the lot with guns:
Super Soaker Spray Squirt Nerf.
Water like bullets in their t-shirts,
soaking.

Shopping list:
eggs, towels, soap, gun.
List in crayon the color of Charleston

from a pack of 64—
the number of school shootings
last year.

Welcome to the Culture War:
a militia of cold, dead hands.
Come and Take It now.

Old boys in the lot with guns:
Handguns Rifles Pistols Shotguns.
Bullets like bullets in their t-shirts,
soaking.

How do we stop the violence?
Regulation, Identification, Investigation.
But how do we stop the culture?

Yes, “They” Do Want To Take Your Guns: A Brief Review of Modern Attempts at Firearms Prohibition and Confiscation

Author: Anonymous

One of the most common arguments made by people who support gun control is that their aims are unassailably rational and opposed on emotional grounds only. Possibly the most common manifestation of this is the statement best expressed in the canard that nobody is trying to “take” civilians’ guns. Sometimes the actor is replaced with Obama (usually as a synecdoche for the Democratic Party) or another party, but the sentiment is the same: there is no current attempt at taking currently legal arms away from civilians. Although it is true that wholesale confiscation is seldom seriously brought up, laws that would provide for confiscation and more commonly future blanket bans (prohibition) are often passed or seriously considered in both federal and state legislatures.

In 1994, Congress passed the federal Assault Weapons Ban, which defined a specific category of semiautomatic weapons and banned them for future purchase until the law’s sunset provision in 2004, which was introduced to enable the bill to pass. Although no confiscation occurred, the bill did essentially ‘take’ away the right to purchase new firearms of a broad category. Whether these firearms should be legal is not the purpose of this essay—rather, that some politicians regularly try to prevent their ownership. As far as this is concerned, an act banning future possession of firearms is essentially equivalent to an act ordering their confiscation a generation in the future.

However, if the 1994 Assault Weapons Ban is not considered to be a bill of confiscation, then the New York SAFE act, although coming from a state legislature, should be looked at instead. It further broadened the definition of the term “assault weapon” to include even more types of semiautomatic firearms. In addition, the original provision of the bill that banned magazines holding over seven rounds was struck down in court as effectively a blanket ban on handguns. However, the law had some elements that were retroactive. In the manner of a bill of attainder, *all* magazines holding over seven (revised to ten in court) rounds were to become contraband one year after the passage of the act¹⁹. Finally, all currently owned firearms covered by the law’s provisions had to be registered or destroyed within one year. A significant amount of New Yorkers did not comply with this act, and thus became felons almost overnight²⁰.

So far, this has only treated laws that were actually passed. However, many politicians have more extreme views, extending to mandatory confiscation of legally owned firearms. Hillary Rodham Clinton, the current Democratic front-runner and former senator and Secretary of State, has stated that she would be in favor of a program similar to that enacted in Australia, which involved the confiscation (with

monetary compensation returned) of almost all lawfully owned semiautomatic firearms²¹. To a more extreme extent, Dianne Feinstein, one of the most prominent super-senators in Congress and the architect of the original Assault Weapons Ban, has several times voiced her support for total civilian disarmament—stating that "If I could have gotten 51 votes in the Senate of the United States for an outright ban, picking up every one of them . . . Mr. and Mrs. America, turn 'em all in, I would have done it²²."

In conclusion, this is not meant to prove the value of firearms in society, nor provide a solution for the issue of gun violence in America. Instead, it is meant to counter a commonly held belief—that confiscation of firearms is a policy only advocated by fringe groups and far from becoming law in the United States. The multiple attempts at far-reaching bans, ultimata and *ex post facto* laws have proven this. Whether the ultimate aims of these laws are right or wrong, the fears of those who would oppose confiscation or prohibition cannot be dismissed as overreaction or speculation.

A Radical Stance for a Radical Problem: Resistance to Campus Carry Legislation

Author: Jason Yang from the Kinkaid School, TX

In the wake of recent college shootings, everyone's primary concern for universities is safety of our students: the future of America. The forefront of these security policies involves guns, specifically concealed handguns. Many argue it's important to take an open-carry or concealed-carry stance towards handguns, as they promote self-defense against potential attackers, while others claim it's better to restrict possession of handguns on campus. I contend Possession of handguns should be banned on university campuses because presence of handguns reduce overall campus safety (addressed in section 1) and reduce constitutionally protected academic freedom (addressed in section 2).

Section 1: Safety

Handguns reduce overall campus safety because of their use in homicides, suicides, and accidental shootings. Handguns are significantly more likely to be used for proactive harm as opposed to reactive self-defense.²³ Additionally, handguns increase suicide success rate by 30 fold (from 3% to 90%), likely cause accidental shootings due to the disorganized nature of college, and are the primary tool for violent crime²⁴. The²⁵ reason is simple: young adults in universities are at a unique (high-stress) situation and typically suffer from increased risks for any form of mental illness.²⁶ On top of the standard risks of college gun ownership, there is a statistical correlation between owning a handgun and dangerous activity. According to Matthew Miller et al (Harvard School of Public Health), those who get guns:

“were more likely ... to drive a motor vehicle after binge drinking (27% vs 9%); to have unprotected sex when under the influence of alcohol (17% vs 10%); to vandalize property (21% vs 10%); and to get into trouble with the police (10% vs 6%).”²⁷

While the cause for these correlations are not immediately obvious, it's not hard to believe that, when combined with a study done by Leonard Berkowitz (American social psychologist, University of Michigan, expanded the boundaries of what causes aggression in humans) which argues weapons independently increase aggression in individuals,²⁸ this aggression increases psychological incentives to engage in such risky activity. Additionally, since handguns confer their power upon the user,²⁹ it could make the user feel more powerful regardless of situation, which psychologically reduces the perceived risk of many activities. This phenomenon combined with the society-manufactured idea of handguns as the hallmark of self defense (as some authors claim they can be used to defend against criminals – like the most common uses, defend against law enforcement – as many vigilante groups do, etc.) create an individual feeling significantly more powerful than reason, or even the police in rare circumstances. However, independent

of cause, the Miller study shows a fairly firm correlation between those who own handguns and those who engage in dangerous activity. Therefore, since the impact of handguns are dependent on the user, the prevalence of bad users proves we should ban them or at least significantly restrict their use in college campuses.

While some claim this is a reason to provide stricter background checks, these checks fail to find the “bad gun owners” because they are extremely lax and subjective. For example, current “background checks” for those who are mentally ill in “the majority of states rely on the applicant's bare assertion that they do not suffer from any mental defect”.

Another³⁰ common argument in favor for handgun possession on campus for safety is self-defense. Furthermore, presence of handguns can deter criminals from attacking in the first place. Surely criminals would be forced to think twice if their life could be on the line, right? While this seems to be an intuitive argument, it is unfortunately false in practice. If trained police officers miss the target approximately 80% of the time,³¹ how could college students who aren't trained to deal with such dangerous situations perform better? Additionally, in instances of self-defense from the years 2007-2011 where possible (when the victim did not immediately die) 99% did not use their firearm for self defense.³² Furthermore, since many shooters are suicidal (40% of shooters committed suicide in years 2000-2013), it's likely that the threat of being shot by other people in the name of self-defense will stop them.³³ While handgun bans may not stop school shootings (large scale shootings are typically done with larger guns), handguns are not a deterrent for said shooters. The combination of these factors makes it unlikely that firearms promote more campus safety through self-defense.

Section 2: Academic Freedom

Why do we care about protection of universities from handguns uniquely? We care because colleges provide valuable education, which functions as the foundation of our adult lives. Another reason to support handgun bans in university campuses is because handguns chill important dialogue on university campuses, and therefore “Institutional Academic Freedom” defined by Shaundra Lewis (Thurgood Marshall School of Law) as being able to decide “who may teach, what may be taught, how it shall be taught, and who may be admitted to study”.³⁴ A prime example lies just 22 minutes from my school: The University of Houston recently informed its professors to “be careful discussing sensitive topics,’ ‘drop certain topics from your curriculum,’ ‘not ‘go there’ if you sense anger,’ and limit students’ access during off-hours” in the face of concealed campus carry effective August 1st.³⁵ Forcing professors to stay within the bounds of mundane discussions severely restricts the education students receive because it prevents

access to radical ideas and new ways of perceiving the world that may be controversial. Furthermore, this atmosphere of fear prevents most, if not all, political or religious discussions because those are the areas where people are often the most passionate. Additionally, the fact that professors are told to limit students access during off-hours significantly harms the education that students will receive since students often use that for 1 on 1 clarifications or for building connections with the professor so s/he can use them for future internships, research opportunities, etc. Furthermore, the fact that some teachers have to assign grades on a curve ensures some failing students, and inevitably students angry about their grade.³⁶ Even if rage-prone students do not have handguns, psychological studies conclude that the mere presence (or perceived presence) of a weapon increases aggression (something that background checks or more training can't adjust for), which turns otherwise fine students more aggressive than they need to be.³⁷

However, not only is academic freedom important to the proper functioning of the university, it also is protected by the First Amendment.³⁸ Logically, stopping the free dialogue of universities violates these rights to Academic Freedom because they alter the content of the curriculum, and how it is taught. After all, dialogue about conversations that make some feel uncomfortable is protected by the 1st amendment, the right to free speech. This right and its application to the University is what makes America great — our country is filled with tons of different ideas, and many of these ideas are learned, interpreted, and processed in colleges and universities. However, when dissenting ideas are intimidated out of the discussion for fear of “going there” (like the University of Houston advised professors and students to do) that defeats the point of the intellectual atmosphere for learning new things that we call higher education. Granted, the most obvious response is a defense of the second amendment, the right to bear arms. However, upon looking at the text of the constitution, the right to bear arms isn’t that right in a vacuum.

“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.”³⁹ Justice Stevens argues in his dissent to the *D.C. v Heller* decision that the right to bear arms applies only in the context of a well-regulated militia.⁴⁰ In the context of its initial use, the Second Amendment was written because the US needed a state militia to fight off the British government. Banning handguns for university campuses does not violate this notion of the right to bear arms since students will not be using them to form an armed insurrection against the United States government. Furthermore, even if the Second Amendment protects a private right to bear arms and the *D.C. v Heller* interpretation of the constitution is correct, that same decision has a very clear limit on what the 2nd Amendment means.

“The Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: ... The Court’s opinion should not be

taken to cast doubt on longstanding prohibitions on ... the carrying of firearms in sensitive places such as schools and government buildings”⁴¹ Thus, it’s best to protect the constitutional right to academic freedom, since the right to bear arms does not apply to handgun bans on college campuses.

Section 3: Conclusion

In a society where school shootings seem almost commonplace, the need to secure and the question of how to secure university campuses has never been more topical. By nature of their functions, handguns and universities are incompatible. While schools of learning are designed to promote differences in opinion and curiosity for difference, handguns demolish this crucial educational goal by increasing aggression in otherwise safe learning spaces. For this reason, handguns are best left out of the equation.

¹Maxine Burkett, "Much Ado About... Something Else: D.C. v. Heller,* the Racialized Mythology of the Second Amendment, and Gun Policy Reform," *The Journal of Gender, Race and Justice*, 2008, [Page #], PDF.

²Angela Stroud, "Good Guys with Guns: Hegemonic Masculinity and Concealed Handguns," *Gender and Society* 26, no. 2 (April 2012), accessed February 29, 2016, DOI:10.1177/0891243211434612.

³Levi Gahman, "Gun rites: hegemonic masculinity and neoliberal ideology in rural Kansas," *Gender, Place & Culture: A Journal of Feminist Geography*, October 20, 2014, accessed February 29, 2016, doi:10.1080/0966369X.2014.970137.

⁴Stroud, "Good Guys with Guns,"

⁵Ibid,

⁶Ibid,

⁷Burkett, "Much Ado About... Something,"

⁸Gahman, "Gun rites: hegemonic masculinity,"

⁹Burkett, "Much Ado About... Something,"

¹⁰Ibid

¹¹Ibid.

¹²Ibid.

¹³Ibid.

¹⁴Gahman, "Gun rites: hegemonic masculinity,"

¹⁵Ibid.

¹⁶VANDERCOY, David E. "THE HISTORY OF THE SECOND AMENDMENT." Constitution.org. 1994. <http://www.constitution.org/2ll/2ndschol/89vand.pdf>.

¹⁷"The Unspeakable Original Intent of the Second Amendment." OpEdNews. Accessed February 28, 2016. <http://www.opednews.com/articles/The-Unspeakable-Original-I-by-Laurie-Endicott-Th-121216-899.html>.

¹⁸"Second Amendment." LII / Legal Information Institute. Accessed February 28, 2016. https://www.law.cornell.edu/constitution/second_amendment.

¹⁹Alexander, Jon. "Confusion Sets in for Gun Dealers after NY Safe Act Is Enacted." Glens Falls Post-Star. Accessed March 13, 2016. http://poststar.com/news/national/confusion-sets-in-after-ny-safe-act-is-enacted-banning/article_6091d1c4-61f5-11e2-9ecb-001a4bcf887a.html.

²⁰Rose, Joel. "Flouting The Law, Some New Yorkers Won't Register Guns." NPR. Accessed March 13, 2016. <http://www.npr.org/2015/07/24/425966334/flouting-the-law-some-new-yorkers-wont-register-guns>.

²¹"Clinton: US Should Weigh Australian-style Gun Buyback." Al Jazeera English. October 17, 2015. Accessed March 13, 2016. <http://www.aljazeera.com/news/2015/10/clinton-weigh-australian-style-gun-buyback-usa-nra-massacre-151017225414484.html>.

²²"What Assault Weapons Ban?" 60 Minutes. Accessed March 13, 2016. <http://www.cbsnews.com/videos/what-assault-weapons-ban/>.

²³Shaundra Lewis, "Bullets and Books by Legislative Fiat: Why Academic Freedom and Public Policy Permit Higher Education Institutions to Say No to Guns," Idaho Law Review 48, no. 1 (August 1, 2011): 9, accessed February 26, 2016, <http://ssrn.com/abstract=2229356>.

²⁴Ibid.

²⁵Lewis, "Bullets and Books by Legislative Fiat: Why Academic Freedom and Public Policy Permit Higher Education Institutions to Say No to Guns," 9.

²⁶Lewis, "Bullets and Books by Legislative Fiat: Why Academic Freedom and Public Policy Permit Higher Education Institutions to Say No to Guns," 9.

²⁷Matthew Miller, David Hemenway, and Henry Wechsler, "Guns and Gun Threats at College," *Journal of American College Health* 51, no. 2 (September 2002): 59, accessed February 26, 2016, <http://archive.sph.harvard.edu/cas/Documents/Gunthreats2/gunspdf.pdf>.

²⁸Leonard Berkowitz and Anthony LePage, "Weapons as Aggression-Leading Stimuli," *Journal of Personality and Social Psychology* 7, no. 2: 206, accessed March 19, 2016, http://www.uni-muenster.de/imperia/md/content/psyifp/aechterhoff/sommersemester2012/schluesselstudiendersozialpsychologiejens/10_berkowitz_l_eprage_weaponsaggression_jpsp1967.pdf.

²⁹Angela Stroud, "Good Guys with Guns: Hegemonic Masculinity and Concealed Handguns," *Gender and Society* 26, no. 2 (April 2012): 221, accessed March 19, 2016, DOI:10.1177/0891243211434612.

³⁰Lewis, "Bullets and Books by Legislative Fiat: Why Academic Freedom and Public Policy Permit Higher Education Institutions to Say No to Guns," 21.

³¹Lewis, "Bullets and Books by Legislative Fiat: Why Academic Freedom and Public Policy Permit Higher Education Institutions to Say No to Guns," 9.

³²US Department of Justice, Firearm Violence, 1993-2011, by Michael Planty and Jennifer Truman (n.p.: n.p., 2013), 1, accessed February 28, 2016, <http://www.bjs.gov/content/pub/pdf/fv9311.pdf>.

³³Federal Bureau of Investigation US Department of Justice, A Study of Active Shooter Incidents in the United States Between 2000 and 2013, by Pete Blair and Katherine Schweit (Washington D.C., MD/VA: n.p., 2013), 8, accessed February 28, 2016, <https://www.fbi.gov/about-us/office-of-partner-engagement/active-shooter-incidents/a-study-of-active-shooter-incidents-in-the-u-s-2000-2013>.

³⁴Lewis, "Bullets and Books by Legislative Fiat: Why Academic Freedom and Public Policy Permit Higher Education Institutions to Say No to Guns," 13.

³⁵ Jessica Chasmar, "University of Houston Faculty Told to Avoid 'Sensitive Topics' around Armed Students," The Washington Times, February 24, 2016.

³⁶ Lewis, "Bullets and Books by Legislative Fiat: Why Academic Freedom and Public Policy Permit Higher Education Institutions to Say No to Guns," 14.

³⁷ Arron Quentin Umberger, Theories of Social Psychology in the Gun Control Debate (n.p.: n.p., 2013), 4-6, accessed February 28, 2016, https://www.academia.edu/4430868/Theories_of_Social_Psychology_in_the_Gun_Control_Debate.

³⁸ Rachel Levinson and AAUP Senior Counsel, Academic Freedom and the First Amendment (2007) (n.p.: n.p., 2007), <http://www.aaup.org/our-work/protecting-academic-freedom/academic-freedom-and-first-amendment-2007>.

³⁹ U.S. Const. amend. II. Accessed February 28, 2016. https://www.constituteproject.org/constitution/United_States_of_America_1992.

⁴⁰ District of Columbia v. Heller, No. 07-290, slip op. at [Page #]. Accessed February 28, 2016. <https://www.law.cornell.edu/supct/html/07-290.ZD.html>.

⁴¹ District of Columbia v. Heller, No. 07-290, slip op. at. Accessed February 28, 2016. <https://www.law.cornell.edu/supct/html/07-290.ZS.html>.

