Topic: gun control, specifically control of “assault weapons”

Issue: the definition of and banning of “assault weapons”—Can the government ban “assault weapons”?

Position 1

* 2nd Amendment can be limited
* Protected arms = common and not unusual or unusually dangerous
* Can’t limit one type of arms simply because another type is still available

Sources

Court cases:

Position 2

* No restrictions at all on so-called assault weapons
* Assault weapons are very common
* “assault” category isn’t valid—only cosmetic
* So-called assault weapons are less lethal than handguns
* Focus is on “common” element of the argument
* Rights are protected by laws passed by Congress not rulings by courts

Sources

Barnett

Jones

Position 3

* 2nd amendment can be limited
* Cosmetics isn’t a constitutional issue—there is some history of restricting weapons that were deemed “scary”
* If 2nd Amendment is about self-protection, what weapons are essential for that?
* Focuses on “dangerous” element

Sources

Tribe

Mather

Smith

Position 4

* Obviously 2nd Amendment can be limited
* Common sense tells us criminals use handguns not “assault weapons”
* What is actually required for self-defense and what is merely “dangerous and not common”
* Focuses on definition element

Sources

Levy