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NRA's Gun Control "Fraud"

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Warren Burger, late chief justice of the U.S. Supreme Court, was not a liberal. His prejudice against gays, for example, bordered on hysteria. But he sided with the progressive wing of the court in several high-profile cases, including *Roe v. Wade*. It's not surprising, then, to see him take a reasoned approach to the Second Amendment, which has been distorted by the rapacious gun lobby.

"If I were writing the Bill of Rights now, there wouldn't be any such thing as the Second Amendment," Burger said in a 1991 interview with PBS. "This has been one of the greatest pieces of fraud - I repeat the word 'fraud' - on the American people by special interest groups that I have ever seen in my lifetime."

Burger elaborated: "The very language of the second Amendment refutes any argument that it was intended to guarantee every citizen an unfettered right to any kind of weapon he or she desires. The real purpose...was to ensure that ...the militia would be maintained for the defense of the states."

Amen.

How did this perception change so dramatically?

The Second Amendment states, in its entirety, "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." Although this sentence may seem awkward and confusing today, according to professors of English and linguistics, it's an example of an "absolute construction" that was commonly used during the Founding Era and that would be readily understood at the time to indicate that the reason why the "right of the people to keep and bear arms shall not be infringed" is because "a well regulated militia is necessary to the security of a free State."

The meaning of the amendment had not been a controversial view in most quarters, including the legal arena, since its enactment in 1791. But the National Rifle Association, the largest gun advocacy group in the U.S., saw an opening in the wording.

The NRA sponsored research aimed at overturning binding legal precedents that restricted the right to bear arms, according to David Cole, author of *Engines of Liberty*. Its investment paid handsome dividends in the 2008 Supreme Court case of *District of Columbia v. Heller*. The rogue opinion, written by Justice Antonin Scalia, allows residents of the nation's capital to keep handguns for self-defense, independent of service in a state militia. The decision was a stunning rebuke of historical perspectives.

The gun lobby has been active on other fronts, as well. In the 2016 election cycle, the NRA spent a record \$54 million to ensure Republican control of the White House and Congress. In a coup for the organization, Donald Trump's victory gave him three appointments to the Supreme Court: Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett. All of the new justices have signaled expansive views of the Second Amendment.

Most Americans favor stricter gun laws, but the hallowed halls of Congress are teeming with career politicians who routinely thwart the public will for personal gain. It's become a grim ritual: hypocritical lawmakers offer their "thoughts and prayers" for the victims and families after every mass shooting, all while courting contributions from the NRA.

Prior to the Supreme Court's rogue 2008 *Heller* decision, there was no constitutional obstacle to the adoption of the kind of stringent gun control laws needed to stop our country's epidemic of gun violence. But even before *Heller*, few if any legislators - or even candidates for elected office - had the political courage to advocate such laws. With the new composition of the High Court, it's unlikely there will be a majority of Supreme Court justices inclined to overturn the *Heller* decision any time soon, and even if the Court did overturn *Heller*, in the current political climate, it's unlikely that Congress would take advantage of the opportunity to adopt definitive gun laws.

But Supreme Court justices and elected officials are all influenced by public opinion, and by openly expressing our views, we, the people, create public opinion. In order to stop our country's epidemic of gun violence, we must first prevail in the court of public opinion. We must get an overwhelming majority of fellow Americans to join us in demanding an end to the fraudulent misrepresentation of the Second Amendment; and in further demanding that our elected leaders openly advocate and do everything within their power to achieve the adoption of stringent gun control laws in the United States comparable to the laws that have long been in effect in all the other high income democratic countries of the world.

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