

## Gun Control-Part III

By Gary Porter, National Director, Constitution Leadership Initiative, Inc.

In the wake of the Sandy Hook shooting, some on the Left are calling for revoking the 2nd Amendment, thinking that this would somehow give the federal government free-reign over the control of guns. There are two serious flaws in this thinking: As Associate Justice William Brennan Jr. explains: *"The Framers of the Bill of Rights did not purport to "create" rights. Rather, they designed the Bill of Rights to prohibit our Government from infringing rights and liberties presumed to be preexisting."* In other words, take away the 2<sup>nd</sup> Amendment, or the entire Bill of Rights for that matter, and you are still left with rights that have, in Jefferson's words, been "ordained by [our] Creator." As Hamilton viewed it, you could never list all natural rights in a bill of rights, and leaving some out of the list could give the impression that those omitted were not protected. Thus it was "dangerous" to even establish such a list. The other flaw is in thinking that without the restraint of the 2<sup>nd</sup> Amendment, the federal government somehow gains the innate authority to legislate concerning individual gun ownership. Nowhere in the Constitution is the federal government given the explicit authority to limit the private ownership of guns; it is simply not an enumerated power. The power to limit (regulate) interstate commerce of guns certainly exists, but no power was given Congress to control their private ownership. Madison reminds us in Federalist 14: *"In the first place, it is to be remembered, that the general government is not to be charged with the whole power of making and administering laws: its jurisdiction is limited to certain enumerated objects...."*

The issue of gun control today is purposefully inflamed by a vocal minority, and easily so since the thought of innocent school children being gunned down tears at any human being. Yet, as a simple online search will show, the number of gun deaths in America each year (11,493 in 2009 according to the CDC) is eclipsed by numerous other categories, such as drunk driving (16,000 per year) and yet there is no hew and cry for limiting the ownership of cars or other instruments of mayhem. The Institute of Medicine reports an estimated 98,000 deaths each year due to medical malpractice, yet where is the public outcry to stop this outrage? It can be argued, of course, that doctors and hospitals don't set out to kill people whereas most gun deaths are purposeful but that is faint comfort to someone who has lost a loved one to either cause. In point of fact, murders by gun are at their lowest since 1981 (3.6 per 100,000 people). Perhaps our time and efforts would be better spent in trying to understand what about human beings has changed in the last 50 years or so; why are some of our citizens now willing to attempt to kill large numbers of our fellow human beings? Could our culture's attitude towards unborn babies have anything to do with it? Bueller? Anyone?

So those are my thoughts on gun control. Now, where should this column venture next? I'm certainly willing to research and discuss any constitutional issue my readers think timely. Send your suggestions to [constitutionlead@aol.com](mailto:constitutionlead@aol.com) or [news@yorktowncrier.com](http://news@yorktowncrier.com).

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