

THE SECOND AMENDMENT DEBATE

By

JAMES S. MORRIS

A capstone submitted to the

Graduate School-Camden

Rutgers, the State University of New Jersey

In partial fulfillment of the requirements

For the degree of Master of Arts

Graduate Program in Liberal Studies

Written under the direction of

Professor Perry Dane

And approved by

---

Professor Perry Dane

Camden, NJ

January 2017

# CAPSTONE ABSTRACT

## The Second Amendment Debate

by JAMES S. MORRIS

Capstone Director:

Professor Perry Dane

The debate on gun control dates back to the ratification of Second Amendment in 1791. The history of gun control in the United States has issues such as slavery, criminalization of giving the Catholics guns and the regulation of storage of gun powders in houses. The ratification of the Second Amendment was part of the enactment of Bill of Rights – the first ten amendments to the original Constitution of 1787. Recent cultural debates that revolve around gun control and ownership lack substantive consideration of the American history up to and after the ratification of the Second Amendment in 1791. This thesis calls for consideration of upholding the contents and intents of the Bill of Rights on the right to bear arms.

This research study employs qualitative research design and has elements such as questionnaires, interviews, observations, focus group discussions and case study in collecting data. It is anchored on the Theory of Individual Rights to give a hypothesis that gun ownership is not to blame for recent happenings in United States regarding regular killings in the country.

A total of 300 participants are employed for this research drawn from five States of the United States namely, Massachusetts, Georgia, Oregon, California and Alaska. In each of the five states, 50 persons were asked to fill out questionnaires and ten were interviewed. The participants who filled out questionnaires were selected randomly while only senior political officials in the States were interviewed.

## Contents

1.0 INTRODUCTION .....	1
1.1 Background of the Study .....	1
1.2 Problem Statement .....	3
1.3 Objectives of the Study .....	4
1.4 Primary Questions.....	5
1.5 Limitations of the Study.....	6
1.6 Theoretical Framework.....	7
1.7 Design of the Study.....	8
1.8 Assumptions of the Study .....	8
1.9 Scope and Delimitations of the Study.....	9
1.11 Summary .....	10
CHAPTER TWO .....	11
2.0 LITERATURE REVIEW .....	11
2.2 Theoretical Framework.....	12
2.3 The Second Amendment.....	15
2.4 District of Columbia v. Heller, 2008.....	16
2.5 Parker v. District of Columbia, 2007 .....	17
2.6 Gun Control in US – the Debate .....	17
2.8 Cultural Divide in Gun Control Debate and Second Amendment .....	22
2.9 NRA, USC, NCC and NRA-ILA on Gun Control Debate and Second Amendment .....	23
2.10 Summary .....	24
CHAPTER THREE .....	25
3.0 METHODOLOGY .....	25
3.2 The Study Design.....	25

3.3 Data Collection .....	26
3.4 Sampling Method.....	26
3.5 Data analysis .....	26
3.6 Scope of the Study .....	27
3.7 Validity and Reliability.....	27
CHAPTER FOUR.....	29
4.0 FINDINGS AND DATA ANALYSIS .....	29
4.2 Debate on Second Amendment and Gun Control.....	29
4.3 Level of Knowledge on Individual Rights in Bearing of Arms .....	31
4.4 Support for the Second Amendment.....	32
4.5 Participant Observations .....	34
4.6 Focus Group Discussions.....	36
4.7 Summary .....	37
CHAPTER FIVE .....	38
5.0 CONCLUSION AND RECOMMENDATIONS.....	38
5.2 Recommendations.....	38
APPENDICES .....	40
Appendix one: Questionnaires .....	40
Appendix two: Interview questions .....	42
Work Cited.....	43

## CHAPTER ONE

### 1.0 INTRODUCTION

#### *1.1 Background of the Study*

The Second Amendment of the United States reads, “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 (US Const. Amend. II, 1791). This part of the Bill of Rights in the United States Constitutions spells out the rights of citizens of the country to bear arms. In this section of the constitution, the emphasis is more on the individual rights as opposed to definitive resolutions that can be used by the courts of law in the country.

Recent debates and discussions, as well as much legislative actions and intents point to confusion as to the direction that should be followed in regard to bearing of arms as spelled out in the Second Amendment. Going by recent debates, there is no particular understanding and a middle ground where the United States citizens stand. Critical in this debate is the gun culture. Emotions have been embroiled in the debate, and as reported by Kopel (January 6, 2013, Para 1), the strong opposing emotions on views about gun control in the United States have had cultural divides, which in conventional descriptions have been erroneous. This paper presents an argument that the debate on gun control and the gun culture should not be prejudiced by recent events. The Second Amendment guarantees a right to individual gun ownership and views to the contrary contradict the real purpose of the amendment; hence, gun control legislations actions and intents violate the US Constitution.

The thesis is anchored on the Individual Rights Theory that is the basis of the Second Amendment. This paper employs a qualitative research design that aims at generating leads to formulate hypothesis that the recent gun problems in the United States are not to be rooted on the contents of the 2<sup>nd</sup> Amendment. The hypothesis produced in this paper are testable since the elements of qualitative research design utilized such as Case Studies and Survey Designs are referenced from available information. The paper employs interviews, questionnaires, focus group discussions, observations and case studies. Critical case studies include; the June 2008 case between the District of Columbia and Heller, the 1997 case between the United States and Printz and the 2007 case between the District of Columbia and Parker among others. Cases of misuse of guns in the country are also proven beyond doubt to lack substantial connection to gun ownership.

This paper explores the cultural divide and the implications that have been brought about by the gun control debate as premised in the Second Amendment. The debate has been highly distorted and full of misinformation and lack of proper understanding on the ideals of the Second Amendment. Essentially, the debate has been channeled to have political inclinations and therefore creating divisions in social perspectives. Going by present day happenings of terrorism and active shooting instances, this paper will investigate the angles of various instances, including review of evolution of modern weaponry and individual rights as anchored in the Second Amendment. The National Rifle Association (NRA) is at the centre of this debate, largely due to attempts to rewrite the Second Amendment creating an intention of unregulated individual right to owning a gun in the country.

This paper is divided into five parts. Part two contains a literature review summarizing the arguments of various authors regarding the meaning of the 2<sup>nd</sup> Amendment. The part also discusses court cases, especially from the Supreme Court, and various legislative efforts in the Congress. Part three contains the methodology used. The part details the choice of the research design, the selection methodologies, the validity and reliability of the research and methods of data analysis. Part four is a compilation of results and analysis of the results from the various methods used for data collection. Part five gives the direction and summary of the gun control debate.

### ***1.2 Problem Statement***

Conventional wisdom about individual rights indicates that there is a right to own a gun or bearing arms in the United States. However, politicians and other policy determinants have weighed in the debate on gun control in the country. As Khan (Dec 18, 2012, Para 1) reports, American conservatives have tried to recast the second commandment with a view to bringing in a debate that the laws on gun control ought to be changed to reflect new happenings and measures. The understanding of Second Amendment was on individual rights, and therefore, there are no ambiguities that are supposed to be read. The attempt to bring about militias owning guns illegally lacks basis. Conservatives such as Edwin Meese and Ronald Reagan attempted to sneak in new understandings that courts in the United States have for long misunderstood the core values in the Second Amendment (Khan, Dec 18 2012, Para 5).

The height of the re-invention of the Second Amendment came in the year 2008 during the *Columbia v. Heller* case, in which the United States Supreme Court reversed what had been held for decades about the individual rights in bearing arms in the country



(Livery and Broyles, 449). The pronouncement of the Supreme Court as expounded by Schultz (200) indicated that the Second Amendment is unconstitutional, and hence putting the ideals of this amendment into jeopardy. The National Rifle Association (NRA) also has been at the centre of putting confusion into understanding and utilization of the Second Amendment of the year 1791. As written by United States – Supreme Court (441), the major outcome of this case was that the Second Amendment is enshrined in the Constitution of the United States

Essential in this argument is the nature of argument which has persisted in the United States about the gun culture. As demonstrated by Baxley and Miller (545), the provisions of the Second Amendment have not strongly contributed to the rampant cases of misuse of guns in the country. In this regard therefore, the opponents of negative gun culture in the country, and especially in the misinterpretation of the provisions of the Second Amendment about individual rights to bear arms lack a strong basis. This problem has persisted hence the need for a thorough study about the balance in the debate of the Second Amendment.

### ***1.3 Objectives of the Study***

#### **A. General Objective**

- a) To understand the elements of the debate about the interpretation of the Second Amendment in the United States Constitution, and discern the merits and demerits in both sides of the debate to come up with an appropriate balance or side as per the intention of the Second Amendment.

#### **B. Specific Objectives**

- a) To investigate the issues of individual rights in bearing of arms as contained in the provisions of the Second Amendment in the US Constitution.
- b) To evaluate how the provisions of the Second Amendment has been used in various instances like court cases and police operations.
- c) To review modern gun culture in the United States.
- d) To understand critical contributions of institutions such as the Judiciary and the National Rifle Association (NRA) in the direction the gun control debate and the Second Amendment has taken.
- e) To review that balance that has been established in the debate about the Second Amendment.
- f) To evaluate a better proposition in regard to the debate about gun control and the Second Amendment.

#### ***1.4 Primary Questions***

- a) What critical elements are outstanding in the Second Amendment in the Constitution of the United States?
- b) How are individual rights in bearing of arms established in the Second Amendment in the US Constitution?
- c) What are the major outcomes of modern debate about gun control and bearing of arms as established in the Second Amendment (1791)?

- d) How have institutions such as the Judiciary and the National Rifle Association in the United States enhanced the debate about bearing of arms and the reinvention of the Second Amendment?
- e) How has the Congress, as well as the state of legislatures and local legislative bodies influenced the current debate about gun control, and what measures have been proposed by these legislative arms towards reinvention of the Second Amendment?
- f) What does the future hold for the provisions of Second Amendment, and essentially the issue of gun control in the United States?
- g) What best option does the United States have towards gun bearing and taking into account the individual rights as enshrined in the Second Amendment in the US Constitution?

### ***1.5 Limitations of the Study***

This research is limited in a number of respects. First, the research is confined to only five States out of 50. The research strategy therefore assumes that its sample is representative of the whole country, even though some of the salient issues in the selected States may not necessarily reflect views in all the other states.

Second, the research has only 300 persons as the respondents. This number may not be enough to give a good outcome of the whole population of the United States. It is a very insignificant representative of the whole population. The small number is viable for research and the outcomes matter only for the purposes of the research. It is assumed that the number of respondent will give a fair representation of the whole population.

Third, the research is highly limited to individual rights in bearing of guns in the United States. The Second Amendment is more than just bearing of arms, and therefore, the confinement of the few issues. The focus on this Second Amendment is largely on gun control, and mostly dictated by recent debates about misuse of guns and whether there is a connection with the provisions of the Second Amendment.

### ***1.6 Theoretical Framework***

This research study is based on the theory of Individual Rights. It is the most useful and under it, the constitution of the United States restricts legislative bodies from prohibiting the possession of arms, and as based on individual rights as enshrined in the Second Amendment, the provision renders restrictive and prohibitory regulations unconstitutional. As written by Foster (6), most of rights theories focus on human aspect of living, and therefore, in this theory, the focus is on the rights of individuals as enshrined in the US constitution, and specifically the Second Amendment.

The connection between the aspect of individual rights and politics is very strong. According to Makinen (95), there is a large assumption between individual rights and politics in the sense that politics give forum for exercise of human rights. The national government of the United States was created to protect the unalienable rights of individuals. Essentially, the Theory of Rights as pronounced by Ayn Rand gives an understanding of a free society with a moral foundation.

This particular theoretical framework is a major drive in the quest to understand major positions presented in the debate about the bearing of arms by the citizens of the United States as per the provisions of the Second Amendment. Critical in the theoretical

framework is how the aspect of individual rights is highlighted in the debate, and mostly how major institutions such as the National Rifle Association (NRA) and the Supreme Court, as well as attempts by various legislative bodies in the country have determined the discourse on the debate about gun control and the Second Amendment.

### ***1.7 Design of the Study***

This research employs qualitative research design. The approach to this research is highly interactive, and therefore, the choice of qualitative research design facilitated achievement of this aim. This research study aims at understanding feelings of people regarding a constitutional clause. Particularly, the aim of the research is to understand the understanding of various groups of people in the United States about gun control, and essentially as pronounced in the Second Amendment.

A number of elements are employed in this research design. Among others, the research design will have instruments of data collection such as interviews, focus group discussions, participant observation, questionnaires and case studies. These tools of collecting information will help creating a good understanding and feeling of people in the country about the Second Amendment, and essentially the issue of gun control.

### ***1.8 Assumptions of the Study***

This research has a sole aim of understanding the elements of the debate about the interpretation of the Second Amendment in the United States Constitution, and to discern the merits and demerits in both sides of the debate to come up with an appropriate balance or side as per the intention of the Second Amendment. The research makes several assumptions:

- a) That the 300 respondents are representative of the larger population of the United States, and that their feelings about the debate on gun control and Second Amendment represent the feelings of the millions of people in the United States.
- b) That the five American States namely; Massachusetts, Georgia, Oregon, California and Alaska represents the 50 states of the larger United States, and therefore, the information gathered from the five representatives is similar to the information that would have been gathered from all the States in the country.
- c) That the instruments of collecting data namely participant observation, focus group discussion, questionnaires, interviews and case study; as well as the random and selective sampling methodologies for various respondents will help gather quality information as per the subject under study.

### ***1.9 Scope and Delimitations of the Study***

The scope of this study is five (5) States in the United States. They are Massachusetts, Georgia, Oregon, California and Alaska. The choice of these states takes into account validity and reliability of the research as well as population spread of the larger United States. There was deliberate attempt to cover the whole of America by choosing States from every corner of the country.

Only 300 respondents were chosen from this study, where, each of the chosen States produced 50 respondents for questionnaires and 10 respondents for interviews. Focus group discussions and participant observations were done from the chosen 50

respondents from each State. The choice of this small number for this research was strategic to achieve the objective of covering the whole of United States in the least time possible. The sampling of the 50 respondents per State was done randomly to avoid cases of bias, while the choice of the 10 respondents for interviews was done selectively since it was only aimed at politicians and other policy makers.

### ***1.11 Summary***

Various categories of people in the United States, ranging from legislatures, aspiring politicians, the civil libertarians and common citizens in the country have had their strong opinions about the issue of gun control in the country. At the centre of this is the issue of the Second Amendment in the Constitution of the United States, which states; *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.* This section in the constitution is on human rights, and specifically on individual rights to bear arms in the country.

The debate on gun control has become more active and heated in the light of recent terrorist attacks and random shooting of unarmed people. Clearly, this debate has gained more momentum, and institutions such as the Supreme Court and the National Rifle Association (NRA) have intervened, and in some outcomes, the Supreme Court has ruled differently and incorporating emotions. The cultural divide in the country has become entangled in the debate, and as such, it is paramount that a clear understanding of the intention of the Second Amendment is given.

## CHAPTER TWO

### *2.0 LITERATURE REVIEW*

#### *2.1 Introduction to Literature Review*

The raging debate on gun control in the United States concerns interpretation of the constitution. The National Constitution Center (NCC) posits that this debate has been reignited because of the rampant cases of misuse of guns, and especially handguns. The real question is as to whether the citizens of America have full rights to own handguns. Many institutions and individuals have voiced opinions about the issue of gun control. The debate has highly evolved to entangle the issue of the Second Amendment and whether there is any violation of the US Constitution. Magoon (55) writes about the issue of gun control and the raging debate and notes that supporters of either side of the debate have focused on issues such as the purchase of guns and eventual use to harm the general public, and the individual rights as enshrined in the Second Amendment of the US Constitution.

The real area of debate as expounded by McClurg (155) is as to whether the contents of the Second Amendment can affect individual rights and what these individual rights entail. Different institutions such as the Judiciary and the Legislature have had their say. Particularly, and as would be noted, particular outcome in the Supreme Court has given a different direction to the debate. Central in this whole debate is the politics entangled in gun control. According to Doherty (43), local and severe state restrictions started popping during the 20<sup>th</sup> century. For example, in South Carolina in the year 1902, the legislature banned the selling of all types of pistols to civilians. 1911 saw New York City pass an Act to give police officers weapons as a way of controlling the bad elements



in the society. The Sullivan Act specifically called for prosecution of individuals carrying guns without a license, and licenses small concealable firearms (Petty, 192). In other words, legislative efforts to control gun ownership, contrary perhaps to the rights guaranteed by the Second Amendment are by no means new.

In the literature review, the focus is on giving the debate a balance by investigating various issues in the Second Amendment and the prevailing gun control debate, including the positions that have been taken by various institutions such as the National Rifle Association (NRA), the Supreme Court, legislatures, the Civil Rights Groups and the National Constitution Center (NCC) among others. Based on the theory of Individual Rights, the literature review presents a uniform position about the Second Amendment, and specifically on the need to uphold all tenets of the constitution and more so on upholding individual rights as part of human rights. The review calls for bearing of arms and wishes to separate emotions emanating from the current happenings from the elements of the constitution.

This part is grounded in the theory of individual rights. Various cases in the present and the past are investigated and correlated with the debate, including the outstanding case of *District of Columbia V. Heller* and legislative actions in the United States.

## ***2.2 Theoretical Framework***

The theory of individual rights is concerned with rights each and every other person in the world enjoys. Every other person in the world is called upon to know his or her rights, and where the rights emanate from. This critical component in the living of a

human being is drawn from the various national constitutions. According to Biddle (Draper, 2), this theory was developed by Conrad Summenhart, with a view that most of the harms are directed to individuals, and are always an affront to individual rights. On the same, Varkemaa (63) writes that the right an individual is supposed to acquire does not depend on citizenship and culture or religion. While the degrees of individual rights may vary from one constitution to the other, the basis of any individual rights is to safeguard against harm from another person, group of individuals, a state or an institution.

Traditionally, there was a general idea that a right for a person comes from heaven, or are God-given. This kind of notion is mostly popular amongst modern Republicans and the conservatives. Connected with the individual right is the moral law, and as noted by Hill (245), the moral law acts as prevention for the government from infringing the rights of its people or citizens. It also prevents another person or institution from infringing or violating the rights of any person. Essentially, each individual is supposed to know his or her rights as a way of understanding when the rights are being infringed.

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, seeks to articulate a set of fundamental human rights that are worthy of protection. The United States Constitution has clauses and provisions calling for respect of human rights, and essential in this is the Second Amendment. The Second Amendment is a category under Basic Human Rights. The outstanding part in this section is lack of infringement of human rights, and especially the rights to bear fire arms. The

issue in the debate about gun control is on the current happenings where, criminals have accessed fire arms and are being used to maim innocent people in the country.

According to Massaro (515), there are clear outcomes from the US Constitution and more so the Second Amendment. The author notes that there have been various attempts to discredit this section of the US Constitution, and especially attempts from the Senate. The attempts to delete some section of the clause have had been on notion that bearing of arms is not supposed to be an individual right, and the debate as to who is supposed to own a gun.

In the year 2010 in the case of *McDonald v. City of Chicago*, the Supreme Court reaffirmed the essential and fundamental right of individuals to bear arms (Barnes, Para 1). This was an extension of the 2008 case between the District of Columbia versus *Heller*, which specifically spelled out that the Second Amendment was meant to protect the individual right in bearing and keeping of arms, but only for lawful means notably in the house. It is therefore clear that the essential individual right overrides everything, and any attempt to give decisions or amendments in the legislative laws are unconstitutional. According to Barnes (Para, 1), the author of the 2010 decision, Justice Samuel A. Alito Jr. noted that the framers of the constitution, and especially the Second Amendment wanted to count the right to bear and keep a firearm, and this is a fundamental individual right that should not be violated at all cost.

The theory of individual rights therefore affirms the provisions of the Second Amendment about individual rights, and therefore cements the personal rights in keeping as well as bearing of guns, as far as the fire arms are to be kept within homes. The

firearms have to be acquired in a legally and licensed by credible institutions in the country. This literature review is anchored on this premise of individual rights, and gives argument that any attempt to delete a part of the Second Amendment is against not only the constitution of the United States, but is also an infringement of the individual rights that have been advanced to human beings in the country.

### ***2.3 The Second Amendment***

The Second Amendment is one of the most critical provisions of the constitutional text. Even after being enacted, this law has remained in obscurity, and its resurfacing is as a result of the current issues about bearing of arms, and especially on misuse. This resulted in many disagreements and especially on legislations in the United States.

The real basis of this amendment started after the signing of the US Constitution in September 17, 1787 when the anti-federalists started clamoring for certain rights for individuals as way of preventing encroachment from the federal government. According to Uviller (69), the anti-federalists had some kind of apprehensions and wanted some laws that would protect people from certain encroachments. Essentially, the Second Amendment, along with the rest of the Bill of Rights came as a response to the fears of anti-federalists. There were real fears that too much powers vested in one entity may result to constant misuse, and therefore, in the section of individual rights, it was proposed that there was supposed to be rights in bearing and keeping of fire arms, as far as they are to be kept within houses and not to be misused.

The Second Amendment was just a way of pronouncing a part of the Bill of Rights, and critically individual rights. According to Eric (253), there was total

agreement between the federalists and the anti-federalists about the need for bill of rights. Crooker (72) argues that the Second Amendment aimed to cement the preamble to the constitution, and that the critical phrase in this section is a well-regulated militia. The following are elements of the Second Amendment as related to the regulation of gun control and use by regulated militia, and how it relates to the modern debate.

It is the crime waves in the 20<sup>th</sup> century that have spurred greatly the debate about gun controls, and the need to review the Second Amendment (Adams, Para 31). As a result, various groups of individuals and institutions have even called for total ban on sales. However, this response is not largely in line with the provisions of the constitution, and especially in the interest of upholding individual rights in bearing and keeping of arms. The debate on the Second Amendment requires sobriety and intensive analysis of whether any institutional action such as a legislative action will result to a constitutional quagmire.

#### ***2.4 District of Columbia v. Heller, 2008***

This is regarded as one of the perfect cases that summarize the debate on Second Amendment and the current debate about gun control in the United States. The Heller Supreme Court proceedings represent a vital contemporary stance on the legal position of the court on the question of gun ownership in America. Despite the District of Columbia statute banning on carrying unregistered guns and gun registration, the Supreme Court upheld Heller's Second Amendment right to own a gun and have it registered. The landmark ruling effectively illustrated the court's interpretation of the Second Amendment remained true to the literal meaning of its wording in the constitution. Within the current climate and pressure to effect gun control measures that undermine

some aspects of the Second Amendment, this case provides sufficient contemporary case law to ensure other lower courts assert a similar interpretation. In this particular case, the operative clause was found to be, “Right of the People” (*District of Columbia v. Heller*). This was found to be a very salient feature, and hence pronouncing the Supreme Court as a defender of people’s rights as enshrined in the US Constitution.

### ***2.5 Parker v. District of Columbia, 2007***

This case helped to cement the need to uphold the provisions of the Second Amendment, where, the U.S Court of Appeal voted to remove the parts of the Gun Control Law of the District of Columbia that are unconstitutional on the grounds of the Second Amendment. In the case *Parker v. District of Columbia*, the plaintiffs, who were not people organized as militia wanted a ruling that supported their wish in keeping a handgun for the purposes of self-protection. The Court of Appeal was clear that the provisions of the Second Amendment protect the rights of each and every other person to own and to bear a gun as far as there is no misuse of the fire arm. To a larger extent, the ruling overshadowed the 1975 Firearms Control Regulations Act of the District of Columbia that had tough restrictions on possession and ownership of a firearm, and among others, this Act made it hard to own a gun unless the gun was registered before 1976 or one is a police officer.

### ***2.6 Gun Control in US – the Debate***

The impact of the case, *District of Columbia v. Heller* has had significant contribution to the debate on gun control in the United States. According to Charles (1143), the political discourse in the US has since been shaped by the case, as well as the opinions of the larger American Society have now become significant in the debate. This

is critical as the rights of opinions are cemented. However, not all opinions in the country can be said to have the right direction. In this particular issue of gun control in the country, most of the opinions by both the politicians and the general public have been shaped by recent happenings such as acts of terrorism or general misuse of a handgun. A lot of emotions have been involved in the debate hence overlooking the critical provisions of the constitution and especially on Second Amendment.

By and large, having a gun in the home is very risky. However, as written by Hemenway (510), based on the constitution, there are clear provisions as to how somebody can own a gun in the United States, and therefore, the thoughts of misuse or mishandling should not come into the way of the constitutional provisions in owning and bearing of a gun. Understandably, the many cases of mass shootings, especially in schools, are bound to arouse emotions and questions as to why there shouldn't be gun control in the country. Kleck (1450) weighs in the debate and opines that a case like the Columbine School Shootings sharply had the public call for real gun control in the country. The gun control measures that were highly proposed at that time were irrelevant and only drawn from pressures from opinion shapers in the country. A comprehensive evaluation of the constitution is required so as not to contravene the provisions of constitution on human rights and the rights to bear and keep a gun at home for self-protection.

The moral and legal claims have always come into the debate about owning a gun. For example, as expounded by Kaminer (Para 18), even an 18 year old man can claim that he wants a gun for self-defense. In such an instance, the issuing authority are obligated to issue a gun to the young man since he is of age and has rights just like

everybody else in the country. Such issues therefore have been at hand in all discussions about the Second Amendment. Kopel (30) analyses the issues at hand and puts gun control versus self-defense. Essentially, in the United States, a serious discussion has taken center stage, and there has been two major approaches namely, the legal and the criminological approaches. The two approaches appear one and the same thing; however, it is the legal approach that has been holding the elements of the Second Amendment. The criminological approach has become very strong with argument that the Second Amendment has helped escalate the current criminal incidences involving gun owners turning against the populace in the United States.

A clear incidence such as the Sandy Hook Shooting may compel even the advocacy groups and proponents of the Second Amendment to rethink their stand in the issue of gun control (Mantel, Para 22). Due to the many incidences, people, even the advocacy groups have called for some few laws in owning of guns in the country. Such has been the debate all through of not wanting to appear to oppose individual rights as enshrined in the US Constitution and at the same time trying to evoke emotions in major incidences of mass shootings by people owning guns. In cases such as the Sandy Hook Shooting, the gun used was legally obtained, and it took a 20 year old Adam Lanza to fatally kill 20 children. The owner of the gun was not Adam Lanza but his mother. This therefore cannot be noted as a case of a gun owner misusing it; rather a case of mishandling or misplacement to an extent that it was being accessed by the son to the owner.

The provisions of the Second Amendment have largely been ignored (Levinson, Para 640). This is largely due to the politics that have surrounded the Second



Amendment. The author has analyzed the various interpretations that have been used in the Second Amendment, and mostly the term militia. Pivotal in the argument by the author is the critical role that the Second Amendment holds in regard to gun ownership, and especially the highlight of the individual rights in owning the guns. The relationships in the usage of the guns and the violence meted against unarmed people is critical, and as highlighted by Roth (Para 233), this relationships is very complex. However, a major outcome in the analysis of the author's writing is that gun ownership places the United States as a country that has upheld democratic ideals in the history when compared to major other countries in the world.

The proponents of gun control have often cited the gun culture. A gun has a sole intention of injuring, or ending life of a living thing. This is true when evolution of gun violence is highlighted, and as noted by Squires (221), a gun cannot kill people; rather it is the people who use guns that kill others. Largely, it is character and attitude of the gun handler that contributes to how the weapon is utilized, and this highly separates the two major approaches namely criminological and legal. In the legal perspective, guns are for self-protection, while the criminological perspectives have the gun being misused by applying attitudes and character of the gun handler. This therefore handles the issue of gun culture, where the culture is not essentially on gun, but on the handler of the gun. If the culture of the handler is controlled, it essentially handles the gun culture or the misuse of the gun.

The raging debate on gun control is shaped by how guns in the US history have been used. At the heart of controlling gun violence is the police, and an effective way of having the police handle situations is when people cooperate and help the police. Tyler

and Fagan (234) put the police as the overall agents of carrying weapons in public arenas. This argument pities the current situation in the country where even citizens are carrying guns. The original intention of the Second Amendment was on keeping the gun at home for self-protection. It is the current situation of citizens carrying along the guns that probably gives impetus to the debate on whether there should be gun control in the country. A critical question is as to whether if there were to be true gun control measures in the country the nation will be totally free from gun culture of violence. Worsnop (Para 30) analyses this questions and brings into focus the black market where guns are easily accessed. If there was to be true gun measure in the country, the number of guns in the hands of criminals would probably be reduced.

The gun legislation is supported by Lemieux (80) who concludes that gun laws have high capabilities of decreasing the level of gun violence currently being witnessed in the United States. This is significant for the proponents of gun control measures who often cite the various misuse of guns in mass shootings and incidences of terrorism in the country. If there could be minimal access to guns, and especially in the black market, police would be sure that they are the only handlers of guns. This argument however lacks merit when weighed with individual rights as enshrined in the constitution. Gun control laws are likely to be misused by the people in authority in the level of possession and ownership of guns. While it is arguable that perhaps there would be minimal misuse, the authority, and the especially the police would be likely to have uncontrolled violation of the constitution. The debate has to have sobriety and real balance between emotions and constitutionalism.

The ease of access of guns in the United States, especially in the black market has always been on focus. According to Watkins, Huebner and Decker (700), the interpretations of the Second Amendment have varied, and the increased gun violence has been attributed to the ease of access people have on guns in both legal and illegal means. The authors have analyzed the current statistics to conclude that the Second Amendment is very limited and insignificant in prevention of gun violence in the country. Connected with this argument is whether there are particular factors that place people at high risk of victimization through gun violence. Guns in the hands of wrong people are cited to put people at very high risk of victimization (Wells and Chermak 2160). This highly gives weight to the need of minimal gun laws in the country.

### ***2.8 Cultural Divide in Gun Control Debate and Second Amendment***

The term gun control refers to restriction on the nature of guns that can be bought or sold, who can have them or access, the kind of duties that has to be bestowed on the seller before selling the gun, whether the gun can be carried or stored and the obligations that the seller and the buyer have in reporting the transaction to the relevant authority (Perez-Pena, Para 1). The gun control debate is also a cultural debate. According to Burrus (Para 1), the debate has largely shifted from the statistics about gun crimes, to the culture. The proponents of gun control have often forgotten the American and constitutional principle of permitting ownership of guns by citizens as long as they are not used wrongly.

A major cultural tradition has the belief that the government should best be kept small, is a necessary evil and is subordinate to the people (Burrus, Para 8). There are two major cultures that are evident in the gun control debate. These are; the one that views

guns as real instruments of violence and the other that views them as necessary for safety and freedom (Lazarick, Para 1). These two major cultures are represented by urban and rural dwellers or societies. Most of the gun violence incidences are found in the rural or in the poor neighborhoods in the United States. On the other hand, the urban dwellers do not have many problems with the guns, and they wish to have them to protect themselves mostly from the poor. This cultural divide sharply puts the gun control measure at risk, as it can only be the majority who can carry the day.

### ***2.9 NRA, USC, NCC and NRA-ILA on Gun Control Debate and Second Amendment***

The roles of critical institutions in the United States are very crucial in the overall debate on gun control, and the Second Amendment. Essential of these are the National Rifle Association (NRA), the United States Code (USC), the National Constitution Center (NCC) and the National Rifle Association Institute of Legislative Action (NRA-ILA). All of these institutions have had huge moderations of the debate, and especially in guiding the debaters on how to conclude. Specifically, the institutions have held firm their stand on protecting the constitution on ownership of guns. For example, the *18 U.S. Code 923* on licensing is clear on a person who can get a firearm. On the same, the National Rifle Association (NRA), plus the National Rifle Association – Institute of Legislative Action have often stood with the constitution and the Second Amendment. However, at times, they have supported the calls for gun control.

The NRA particularly has had a huge say in the debate about Second Amendment and Gun Control. According to Coleman (Para 1), in 2000, Charlton Heston, the NRA president seemed to support gun control measure. Though it is an isolated case, it had huge ramifications in how people perceived the Second Amendment, and was cited as an

act of violation of the constitution. It was an iconic moment which has largely defined NRA as a leading pro-gun advocacy group in America. It however remains that the proponents of gun – laws and politicians who support such laws do it in violation of the constitution. Numerously, NRA, plus the ILA have stood for the provisions of the constitution on Second Amendment against outlawing gun keeping and ownership. Other institutions such as the NCC have held firm the constitutionalism of the Second Amendment with views that amendments to such are highly unconstitutional.

### ***2.10 Summary***

This part has analyzed the issues surrounding gun control in the United States. The debate has raged on the good and bad of gun control, and essentially the need to relook the values pronounced in the Second Amendment. Most of the debates about gun control have been entangled in culture and emotions. Specifically, recent happenings, with a crucial one such as the Sandy Hook mass shootings have elicited strong emotions about the need to control ownership of guns. However, this is unconstitutional, and there is need to have total review of the constitutionalism of anything that is done in the country. Cases such as *The District of Columbia v. Heller* have given firm constitutionalism about the Second Amendment. The literature review concludes that there is need for sobriety in the debate and the constitution is supreme to any other law in the land.

## **CHAPTER THREE**

### ***3.0 METHODOLOGY***

#### ***3.1 Introduction to Methodology***

This part reviews the methods that were used in arriving at quality evidence of need of upholding the constitution in the debate about the Second Amendment of 1971 and the gun control laws. Case studies, questionnaires, interviews, participant observation and focus group discussions were found to be most suitable for this research. The part contains analysis of the study design utilized, the methods of data collection, the method of data analysis and the validity and reliability of the research.

#### ***3.2 The Study Design***

This research study has utilized qualitative research design. This design is more suited to the particular issue under study, and especially in getting the feelings and good understanding of the balance of the debate in Second Amendment and gun control. In this study, the researchers aimed at coming to a fundamental conclusion on how the debate should be about the issue of gun control in the United States, and the review of how constitutionalism has been violated or strengthened in the overall debate about the Second Amendment. The research sought from relevant literatures the roles that various factors such as the Supreme Court, the Legislative bodies, the National Rifle Association (NRA), the National Constitution Center and the National Rifle Association Institute of Legislative Action (NRA-ILA) among others in the overall debate. In addition, the issues of emotions and cultural divide are investigated on how they have shaped the debate about the Second Amendment. Critical case studies and other legal actions in the

Judiciary and in the Legislative bodies; for example, the Gun Control Act and the *District of Columbia v. Heller* have played in the overall debate.

### **3.3 Data Collection**

This research was evidence based and used qualitative approach as the research design. In this therefore, the collection of data was purely based on methods that would give quality information. The methods used were; questionnaire forms, interviews, focus group discussions, participant observations and case studies. Quality literatures have also been highly used in coming up with the thesis that constitution is supreme, and violation of any provision of the Second Amendment should therefore not be subjected to emotional debates.

### **3.4 Sampling Method**

The methods used for sampling respondents for this research were two namely; the random sampling and the selective sampling methods. The random sampling method was used to identify 250 respondents for the questionnaire forms from the five States in the US. This method was realized to be most suited to avoid instances of bias, hence distortion of data or untrue outcome. The selective method was used in two instances; first, in choosing the States for the research and in choosing the 50 respondents from the five States. The States chosen had to be highly scattered across the country for good coverage, while only politicians and other policy determinants were used for interviews.

### **3.5 Data analysis**

The method of data analysis chosen was based on the fact that this research utilized the qualitative research design. In this therefore, the focus was on understanding contexts, and in this case, the balance in the debate about the gun control and Second

Amendment. Also, the aim of the research was to understand dimensions used by people in the debate and critically understand the interactions. In this therefore, the most suited method of data analysis was content analysis. This method of analysis is suitable when data is collected using methods such as focus groups, interviews, observations and case studies. Content analysis is a process of categorization of behavioral data for purposes of summarization, classification and tabulation. The focus was on making a sense of anything that was collected from the field and specifically from the data collected from the respondents using quality methods such as focus group, interviews, questionnaires and the observations.

### ***3.6 Scope of the Study***

This research was limited to only 300 respondents. The respondents were sampled from five (5) States in the United States, with each State producing 50 respondents for filling questionnaire forms and 10 for answering interview questions. The five states were Massachusetts, Georgia, Oregon, California and Alaska. The five States in the US were scattered across the country as a way of getting a fair coverage, and getting most representative views regarding the issues of Second Amendment and Gun Control. It was critical as it helped in giving the research high levels of reliability and validity.

### ***3.7 Validity and Reliability***

This is a measure of accuracy of the study and level of reliability to the information gathered. In this research, the focus was to get high levels of validity and reliability. The choice of a research method and design that focuses on comprehensive information gathering was to ensure that the research can be repeated and used widely. Qualitative research is most suited for this kind of research and the methods of data



collection should be devoid of distortion, hence use of systematic review research design.

This has increased the validity and reliability of the study outcome. The sampling

methods also made sure that this research garnered high levels of reliability and validity.

## **CHAPTER FOUR**

### ***4.0 FINDINGS AND DATA ANALYSIS***

#### ***4.1 Introduction to Findings and Data Analysis***

This part focuses on the findings from the information sought from the respondents. The information ranged from the level of support for gun control laws, support for provisions of Second Amendment, levels of knowledge on the rights of citizens of America have regarding bearing of arms and the steps that should be taken by the government and relevant institutions in the United States regarding the rights of individuals as enshrined in the Second Amendment. This part therefore is a compilation of the issues gathered from the field, and essentially the 300 respondents used in this study. The part is divided into sections based on the nature of questions or the issues that were posed to the respondents. The answers that were given from the interviews and focus group discussions were generalized while the issues that were posed and observed in focus group discussions and participant observation were highlighted separately.

#### ***4.2 Debate on Second Amendment and Gun Control***

The debate regarding the Second Amendment and Gun control in the United States has been highly dependent on political affiliations and the cultural divide. The attempts to institute measures in the Senate and in the Congress have always been dictated by the major happenings, and especially the mass shootings in the country. In the year 2015 after the occurrence of one of the deadliest mass shooting in the United States, the Senate had the Democrats introduce gun control measures. However, due to party affiliations, the intended laws flopped. This was largely due to the need for the Republicans to show their Democratic counterparts in the Senate that they were in

charge. The issue was highly emotive, but the Democrats were reminded that the country had laws and regulations that govern issues of guns, and there was no need to violate them.

The decision to shoot down the laws was hailed because it was an affront against the Second Amendment, and the larger US Constitution. The push to have gun control had the support of even the churches and some community colleges. It was deemed as the right reaction to the mass shooting. In the year 2013, there were also attempts to have such laws enacted in the country, but had flopped on constitutionalism. The attempts of the year 2013 were also seen to be reactionary after the death of more than 20 elementary children in Newtown. There was bipartisan backing, including Republican John McCain. The tone was that there ought to be some background checks and as a way of keeping away the terrorists from the country. However, all of these issues lacked merit, and in the interest of the constitution, there was need to have the laws flop.

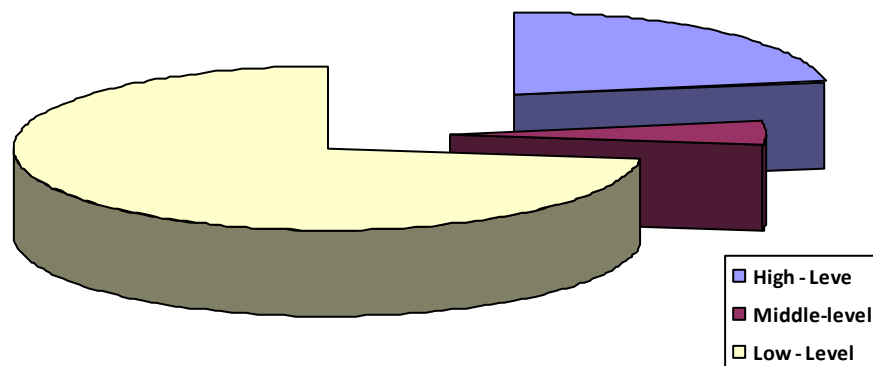
Cases of Mass shootings have always resulted to top leadership being emotional, including President Barack Obama, who, in many of his speeches has appeared to be fed up. After the mass shooting in Orlando, which was counted as the 133<sup>rd</sup> mass shooting in the country in 2016, the president appeared to appeal for support on guns. Research showed that it is not the lack of background checks that was making the shootings recurrent. The only result about this is that the Americans have appeared to have more guns. Clearly, it is the country in the world with the most number of guns that are in the hands of ordinary citizens. Such should raise alarm, and not on the constitutionalism of acquiring the guns.

### 4.3 Level of Knowledge on Individual Rights in Bearing of Arms

Despite the huge debate about the Second Amendment, and especially the right to bear and keep arms. The citizenry of the United States seemed to have low level of knowledge about this right. The people have all along assumed that the right to bear arms is a preserve of the police force and government officers. Out of the 250 people who were polled on their knowledge about the individual rights in bearing and keeping of arms, only 56 were aware that this right exists, and they can exercise it if they comply with the needed laws. This is despite high knowledge of the many cases of mass shooting and terrorism. The following table shows this result.

	Number	Percentage (%)
<b>High- Level Knowledge</b>	56	22.4
<b>Middle-Level Knowledge</b>	12	04.8
<b>Low- Level Knowledge</b>	182	72.8

**Table 1: Table showing knowledge on Individual Rights in Bearing of Arms in USA**



**Fig 1: Pie Chart showing knowledge on Individual Rights in Bearing of Arms in USA**

#### ***4.4 Support for the Second Amendment***

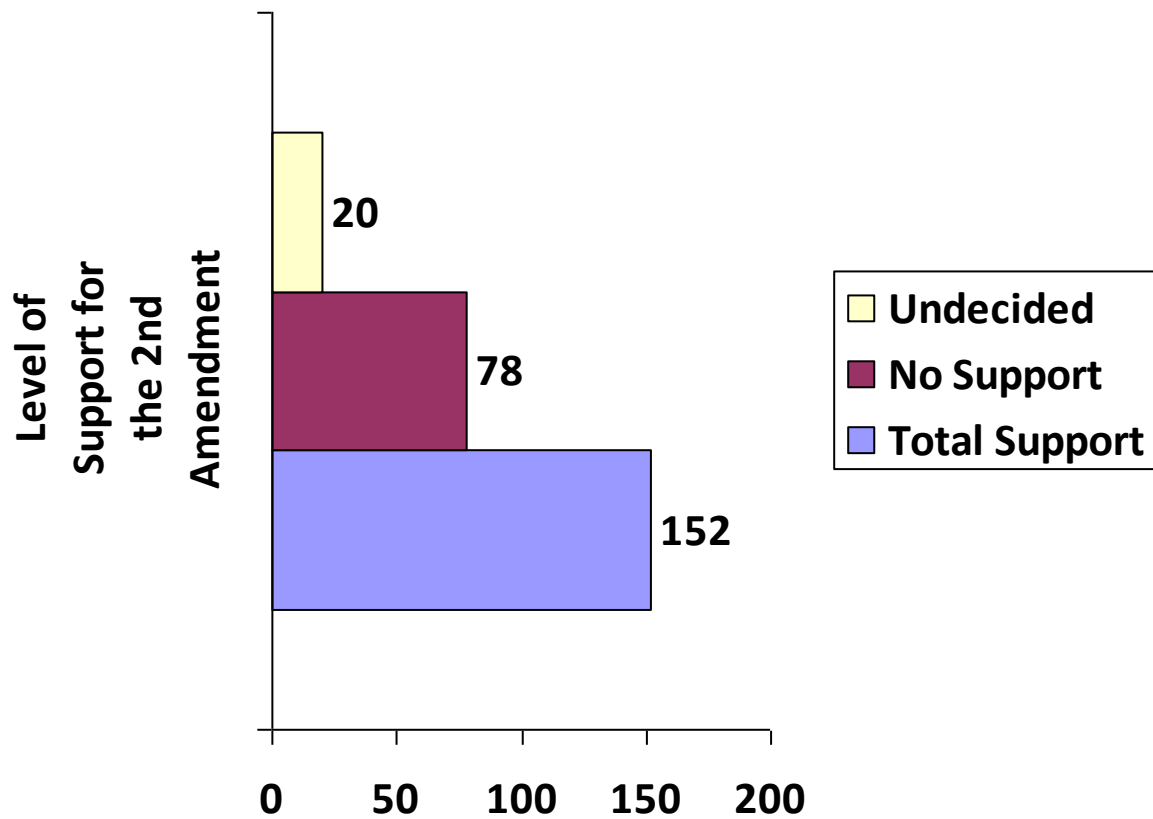
The support for the Second Amendment is high, despite the high emotions that are always involved whenever there is mass shooting in the United States. After the Sandy Hook Mass Shooting and the many other shootings that have occurred in the country, and especially when there are children involved, the country has always tended to lean towards control of guns in the hands of citizens. But when the citizens are asked in a poll, the support of the Second Amendment is high as opposed to those who stand with the attempt to control. This is after the citizens are explained to the provisions and the important that the Second Amendment holds for the country. The amendment is one of the kind to the country in the world, hence the support. Critically, most of the citizens are not aware of the background of the Second Amendment, and why the drafters of the provisions deemed it fit to include right to bear arms in the constitution.

The policy makers and politicians, and especially those who have constantly been involved in drafting of laws for the government and in private policy makers argue that the support for the amendment is because it helps in anchoring democracy to the country. If the laws were to be amended or deleted from the constitution, a critical component of individual right for the people of America would be removed, and therefore the citizens were not keen to have such an attempt. The support was however not connected to the need to have some laws that add value to the Second Amendment, and especially in background checks of people. Some of the policymakers supported repealing the Second Amendment. They argued that this section in the US Constitution has always been

misinterpreted, and therefore, the section can be repealed and given a new meaning under amendments in the Senate or the Congress. The following graphical data represent this support:

	<b>Number</b>	<b>Percentage (%)</b>
<b>Total Support</b>	152	60.8
<b>No Support</b>	78	31.2
<b>Undecided</b>	20	08

**Table 2: Table showing Support for the Second Amendment in USA**



**Fig 2: Bar Graph showing Support for the Second Amendment in USA**

#### ***4.5 Participant Observations***

The data on participant observation revealed two critical areas of constitutionalism; the law and the society. While the law is in clear terms as put in the constitution, the living of the people in the normal society is totally different. Lots of people in the United States are ignorant about what the law says about critical issue. For example, in the matter at hand, most people, including law makers and other policy makers are very ignorant about the law and provisions of the constitution. The police

react to situations instead of following the constitution. In a number of situations, it was observed that people go about their business without minding whether their neighbors have guns, or the nature of risk they are involved in a public place. In 2016, the gun ownership rate in the United States is at 36%. This therefore means that in every three people, one person has a gun. However, most of the people are ignorant of this fact, and in a situation where one of the gun owner misuses it, the likelihood of injury is very high.

In this survey, some of the respondents had guns tucked in their clothing, and at a slight showing the general public represented by the chosen few out of the 250 and some police officers who were part of the interviewees was astonished. It was a good representative of the nature of ignorance that is always exhibited by people in situation, and a good indication that in case of danger; very few people are ready for prompt reaction. The reaction of many of the respondents explains the nature of calamity that is caused whenever there is mass shooting, where, an illegal gun holder would intend to kill people without their consciousness. The politicians in our study also tended to react to the questions posed by the current debate emotionally, and their views were often deeply grounded in their cultural assumptions and political affiliations. For example, most of the Democrats who were involved in the participant observation method of data collection showed a lot of support to President Obama while most of the Republicans had a strong showing against the wishes of President Obama. As well, gun ownership was mostly supported by Native Americans as opposed to other groups such as the Blacks. Also, those living in rich and affluent areas were of the opinion that gun control should follow a cultural and regional division.



#### ***4.6 Focus Group Discussions***

Just like participant observation, it was clear that the support for legislation about gun control, and support for the Second Amendment was culturally based instead of following the provisions of the constitution. The groups used in this form of data collection were given questions relating to their support and why such legislation deserve or not deserve to be there in the United States. The cultural and regional division was highly evident in answers most of the people gave, or the reaction they showed when challenged on an issue. This survey was carried out at the height of many mass shooting in the country, and the reaction as expected in the focus group discussion was emotive and based on the misuse of guns in a number of cited cases.

The first challenge that the groups were put to is to discuss the various mass shootings. It was evident that amongst the blacks, there was anger that some whites turn against them including the police. In cases where a lone shooter would turn against others, it was a case of a white person killing blacks. Cases of blacks being killed in the churches were highly cited, and turning emotional. In this challenge, the reaction was on cultural hate and terrorism as opposed to guns being in the wrong hands. However, some of the people in the groups mentioned the need to have total control of guns being held wrongly. From the results, it was clear that misuse of guns in the country was rampant, and there was a drastic need for the government to put measures to control the levels.

The second challenge was on the knowledge of the Second Amendment. The most cited amendment in the constitution was the first Amendment in the bill of rights. The individual bill enshrined on the Second Amendment was only known by a few people. Even though there were some knowledge about how to acquire a firearm and the

regulation that is required, most of the people in the discussion had vague knowledge that it was in the Constitution. The support towards such a provision in the US Constitution was high amongst the discussants.

#### ***4.7 Summary***

This chapter focused on the results gathered from the methods of data collection used. Amongst others, the issues sought were the knowledge about the Second Amendment and the right to bear arms, the levels of support for gun controls and Second Amendment, and the general views about mass shootings in the United States. The results varied from one group to another based on their cultures, regions of residence and political affiliations. This supported the thesis that most of the issues about the Second Amendment were based on cultural divide and the emotions due to the shootings in the country. The general view is that having the Second Amendment in the country is a great thing and a support for democratic ideals in the country. However, there was support for minimal laws to control high level of acquisition of guns for the fear of misuse.

## CHAPTER FIVE

### *5.0 CONCLUSION AND RECOMMENDATIONS*

#### *5.1 Conclusion*

This paper has evaluated circumstances of Second Amendment and the significance that it plays in the United States. This amendment came in the year 1791 and touched on individual rights to bear arms in the country. However, due to many issues that have risen; for example, terrorism and rampant and uncontrolled shooting, there has been rallying calls from a section of the populace of the United States to have gun controls. The issues arising from the Second Amendment have had many dimensions, with various courts' ruling either in favor or against the provisions of the Second Amendment. Many cases of mass shooting in the country are because of misuse of firearms and not on deficiency of the laws controlling such. It is therefore critical that factors such as cultures, regions, and even emotions be excluded when deciding on the best manner to handle the issues of rampant shooting in the country. Essentially, mass shootings should be handled depending on situations; for example, there are migration laws and general possession of firearms that can prevent terrorism and mass shootings.

#### *5.2 Recommendations*

This paper has touched a critical aspect of living in the United States. The paper has touched on the Second Amendment and the individual right to bear arms in the country. Of critical importance in this is the debate on gun controls. While on the surface it seems as an important step towards preventing the occurrences of terrorism and lone shooters turning against citizens of the country, it is important to separate the issues of Second Amendment from the real happenings. This is critical if there is to exist sobriety

and normalcy, and essentially avoid situations of violation of the constitution. It is also recommended that issues such as cultures and regionalism, as well as emotional reaction be avoided when dealing with the debate.

From the results, there is significant support for minimal gun laws. This is a consideration that can be put in front of policy makers to discuss with open minds instead of involving cultures and political affiliations. For example, the Democrats introduced an amendment to gun laws, but the Republicans were against it, not because there was no great need, but because of party affiliations. It is therefore critical that issues are separated and when dealing with such emotive issues, there ought to be sobriety. Public participation is also essential to determine the real need for such laws.

## APPENDICES

### *Appendix one: Questionnaires*

#### **Dear Respondent**

This research aims at understanding the issues of Second Amendment as enshrined in the US Constitution and issues of Gun Control debate in the Country. The research also seeks your opinions about mass shootings in the country and how best they can be prevented. The information you will provide will only be used for the purposes of this research, and care will be taken not to leak it to avoid victimization.

Thanks

#### **Section A: General Information**

**Tick  $\left(\sqrt{\quad}\right)$  in the space provided to the best of your knowledge**

1. Gender

Male


Female

2. Are you a resident of United States?

Yes


No

3. Which is your highest level of education?

University level


College level


High school level


Primary school level


**Section B: Understanding Second Amendment**

4. What do you understand as the Second Amendment in the US Constitution?

.....

.....

.....

5. What are some of the issues that have emerged in the mass shootings that have occurred in the United States?

.....

.....

.....

6. How would you describe the gun law debate ongoing in the country?

.....

.....

.....

.....

7. Describe some of the issues prevalent in the debate and the likely outcome from the debates?

.....

.....

.....

.....

8. How best can the debate be moderated to avoid possible problems and bad decisions in the country?

.....

.....

.....

.....

***Appendix two: Interview questions***

1. Describe the debate on Gun Control in the country
2. How have you as a policy maker/policy determinant/policy enforcer participated in the raging debate about Gun Control in the Country?
3. What is your understanding of the Second Amendment?
4. How has the Second Amendment in the US Constitution benefited the country or otherwise?
5. What are some of the issues that have emerged in the debate about the Second Amendment and Gun Control?
6. How best can mass shooting and terrorism incidents in the country controlled?

### Work Cited

- Adams, Bob. "Gun Control Debate: Do gun Bans Violate Americans' Second Amendment Rights?" *CQ Researcher* 14.40 (2004): 1-34.
- Barnes, Robert. "Supreme Court Affirms Fundamental Right to Bear Arms." *The Washington Post*, June 29, 2010, Para 1-23.
- Baxley, F. & M. Miller. Parental misperceptions about children and firearms. *Archives of Pediatric and Adolescent Medicine*. 160 (2006): 542-547.
- Baxley, Frances. & Mathew Miller. "Parental misperceptions about children and firearms. *Archives of Pediatric and Adolescent Medicine*." 160.5 (2006): 542-547.
- Burrus, Trevor. "The Gun Debate is a Culture Debate." *Fox News Publication*, March 19, 2013, Para 1-43.
- Charles, Patrick J. The Second Amendment in the 21<sup>st</sup> century: What hath Heller wrought? *William & Mary Bill of Rights Journal* 23.4 (2015): 1143-1183.
- Coleman, Arica L. "When the NRA Supported Gun Control." *The Times Publication*, July 29, 2016, Para 1-22.
- District of Columbia et al. v. Heller. 554 US (2008). No. 07-290. Supreme Court of the United States. 2008. *Supreme Court Collection*. N.d. Web. 1 August, 2016.
- Doherty, Brian. *Gun Control on Trial: Inside the Supreme Court Battle Over the Second Amendment*. Washington, D.C: Cato Institute, 2008.
- Donald R. Parker, et al. v. District of Columbia. 271 U.S. App. D.C.15 (2007). No. 87-7039. United States Court of Appeals, District of Columbia Circuit. N.d. Web. 1 August, 2016.
- Draper, Kai. *War and Individual Rights: The Foundations of just War Theory*. New York: Oxford University Press, 2016.
- Eric, Engle LLM. *United States Constitutional Law for German Jurists*. New York: Euro American Press, 2012.
- Foster, Steve. *Q&A Revision Guide: Human Rights and Civil Liberties 2012 and 2013*. Oxford: Oxford University Press, 2012.
- Gold, Liza H. *Gun Violence and Mental Illness*. Arlington: American Psychiatric Association Publishing, 2016.



- Hemenway, D. Risks and benefits of a gun in the home. *American Journal of Lifestyle Medicine* 5(2011): 502-511.
- Hill, John L. *After the Natural law: How the Classical Worldview Supports our Modern Moral and Political Values*. San Francisco: Ignatius Press, 2016.
- Kaminer, Wendy. Second thoughts on the Second Amendment. *Politics*. Theatlantic.com. March 1996. Web. 7 July 2016.
- Khan, Azmat. "How Conservatives 'Reinvented' the Second Amendment." The Frontline Publication, December 18, 2012, Para 1-23.
- Kleck, Gary. "Mass Shootings in Schools: The Worst Possible Case for Gun Control." *American Behavioral Scientist* 52.10 (2009): 1447-1464.
- Kopel, David B. "The Ideology of Gun Ownership and Gun control in the United States." *Quarterly Journal of Ideology* (1995): 3-34.
- Kopel, David. "A Divide in the Gun Debate Widened by Misunderstanding." The New York Times, January 6, 2013.
- Lazarick, Len. "Gun Control Debate Shows Divide between Two Cultures." *The Maryland Reporter Publication*, April 4, 2013, Para 1-18.
- Lemieux, Frederic. Effect of Gun Culture and Firearm Laws on Gun Violence and Mass Shootings in the United States: A Multilevel Quantitative Analysis. *International Journal of Criminal Justice Sciences* 9.1 (2014): 74-93.
- Levinson, Sanford. The Embarrassing Second Amendment. *The Yale Law Journal* 99 (1987): 637-659.
- Lively, Donald E. and D.S. Broyles. *Contemporary Supreme Court Cases: Landmark Decisions Since Roe V. Wade*. Santa Barbara: ABC-CLIO, 2016.
- Lott, J. R. Jr. *More Guns, Less Crime: Understanding Crime and Gun Control Laws*. University of Chicago Press: Chicago, 2010.
- Magoon, Kekla. *Gun Control*. Minnesota: ABDO Publications, 2009.
- Makinen, Virpi. *Transformation in Medieval and Early Modern Rights Discourse*. Dordrecht: Springer, 2006.
- Mantel, Barbara. "Gun Control: Should lawmakers tighten firearm restrictions." *CQ Researcher* 23.10 (2013): 1-34.

- Massaro, John. *No Guarantee of a Gun. How and Why the Second Amendment means exactly what it says*. Bloomington: AuthorHouse, 2009.
- McClurg, Andrew J. *Gun Control and Gun Rights: A Reader and Guide*. New York: New York University Press, 2002.
- Orient, Jane. "Gun violence" as a public health issue: a physician's response. *Journal of American Physicians and Surgeons* 18.3 (2013): 77-83.
- Perez-Pena, Richard. "Gun Control Explained." *The New York Times*, October 7, 2015, Para 1-23.
- Petty, Bruce M. *Saipan: Oral Histories of the Pacific War*. London: McFarland, 2009.
- Printz v. United States. 521 U.S. 898 (1997). No. 95-1478 and 95-1503. Supreme Court of the United States. 2008. *Supreme Court Collection*. N.d. Web. 1 August, 2016.
- Roth, R. Guns, gun culture, and homicide: The relationship between firearms, the uses of firearms, and interpersonal violence. *William and Mary Quarterly: Third Series*, 59.1(2002) 223-240.
- Schultz, David A. *Encyclopedia of the United States Constitution*. New York: Facts on File, 2009.
- Squires, Peter. *Gun Culture or Gun Control: Firearms, Violence and Society*. New York: Routledge, 2000.
- Tyler, T. R. and J. Fagan. Legitimacy And Cooperation: Why Do People Help the Police Fight Crime in Their Communities? *Ohio State Journal of Criminal Law*. 6(2008): 231-275.
- U.S. Constitution*. Amend. II. (1791).
- Uviller, H. Richard. *The Militia and the Right to Arms, or, How the Second Amendment Fell Silent*. London: Duke University Press, 2002.
- Varkemaa, Jussi. *Conrad Summenhart's Theory of Individual Rights*. Boston: Brill Publication, 2012.
- Watkins, A. M., B. M. Huebner & S. H. Decker. Patterns of gun acquisition, carrying, and use among juvenile and adult arrestees: Evidence from a high-crime city. *Justice Quarterly*, 25.4(2008): 674-700.
- Wells, W. & S. Chermak. Individual-level risk factors for gun victimization in a sample of probationers. *Journal of Interpersonal Violence*, 26.11(2011): 2143-2164.

Worsnop, Richard L. "Gun Control: Will it help reduce violent crime in the US?" *CQ Researcher* 4.22 (1994): 1-34.