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NEWS RELEASE

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## **Celebrate Support for Second Amendment** **by Senator Larry Craig**

March 9, 2007 could be viewed as a banner day for residents of Washington, D.C. It could be viewed as a banner day for Idahoans too, for the very same reason. What do the residents of the District and the residents of Idaho have in common? The Bill of Rights, of course.

On that day, the U.S. Court of Appeals for the District of Columbia Circuit overturned the District's oppressive ban on firearms, called by some the most draconian gun ban in the nation. Since 1977, the District has banned the possession – even in the home – of all handguns not purchased and registered before that year. While the law does not ban the ownership of rifles or shotguns, it prohibits them from being kept assembled and in working condition.

I know some folks who can assemble a rifle or shotgun that's been broken down for cleaning in just a minute or two. They're pretty fast. But anyone who has been in danger of being attacked, either by an animal or a criminal, knows that you may only have seconds, not minutes, to take action and protect yourself. That can be the difference between life and serious injury or death.

It has been interesting watching anti-gun advocates twist and turn as they try to explain why the judges were wrong to uphold the rights guaranteed by the Second Amendment. One gentleman from the Brady Center to Prevent Gun Violence complained that "two federal judges have negated the democratically expressed will of the people of the District of Columbia." He didn't bother to explain why democratically enacted laws should be allowed to trump the Constitution.

Anti-gun advocates have long argued that because the Second Amendment refers to a militia, the Second Amendment should be interpreted as a "collective" right for the states to arm militiamen, like the National Guard. They believe individuals, like the plaintiffs in the case who were seeking to protect themselves, their families, and their property, have no guaranteed right to own firearms.

The judges walked through a detailed textual analysis to find that the Second Amendment refers to an individual right to keep and bear arms. Among other things, they pointed out that the Bill of Rights as a whole was a declaration of individual rights: The First Amendment covers freedom of speech, religion, the press and assembly, and no one argues that individuals do not possess these rights. Likewise, individual rights are the subject of the Third, Fourth, Fifth, Sixth – indeed, every other provision except the Tenth Amendment, which deals with the division of governmental power.

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It makes a lot more sense, and many scholars agree, to interpret all of these amendments – including the Second – with consistency, guaranteeing the rights of individuals. But anti-gun advocates want to cherry-pick, saying the Second Amendment is different. It isn't, and the D.C. Court of Appeals recognizes that.

There are a host of studies that show gun bans end up increasing crime, because they disarm the law-abiding. There's a lot of truth to the saying, "When guns are outlawed, only outlaws have guns." The District has demonstrated this, consistently ranking at or near the top in the nation in murder rates and violent crime.

Unfortunately, D.C. residents will likely have to wait a year or more to legally possess a firearm for self-defense in the home, as the decision has been stayed pending en banc review or an appeal to the U.S. Supreme Court, as promised by the mayor.

This was the first gun ban to be invalidated on the grounds of the Second Amendment, and legal experts are predicting the Supreme Court will review the case. Many defenders of the Second Amendment, like myself, will be eagerly waiting for the Supreme Court to uphold the Bill of Rights. That will be a great day for D.C., and for Idaho.