



## Is there a Second Amendment right to semiautomatic rifles?

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*Meet the Press* host Chuck Todd did a double-take after House Speaker Paul Ryan made a claim about semiautomatic rifles, which was the type of gun used in the mass shooting in Orlando days earlier.

"I grew up hunting with Remington 7400s, which are semiautomatic rifles. Cosmetically they look different, they function exactly the same," the Wisconsin Republican said on the June 19, 2016 edition of the show.

"So, look, we can go into all of these issues other than to say, people have a constitutional right to bear arms. People have a constitutional right to have semiautomatic rifles."

Todd then interrupted Ryan, saying: "There's nothing in the Second Amendment that says you have a right for a semiautomatic. You can regulate."

Ryan agreed that the government can put restrictions on guns.

But what about his statement?

Do Americans have a constitutional right to have semiautomatic rifles?

Five experts we consulted agreed that Ryan was generally on target -- though, as University of Texas law professor Stephen Vladeck put it, "there's a ton of nuance behind" his statement.

### **2008 case key**

Automatic rifles, which fire continuously when the trigger is pressed, are essentially banned by federal law.

Semiautomatics -- which reload automatically but fire only once each time the trigger is depressed -- are not banned, though some states do impose restrictions on them.

To check Ryan's claim, we spoke with four law professors who are experts on gun law: Vladeck; Nicholas Johnson of Fordham University; Robert Spitzer of State University of New York-Cortland; and Adam Winkler at UCLA in Los Angeles. We also spoke to Adam Bates, a criminal justice policy analyst at the libertarian Cato Institute.

The Second Amendment to the U.S. Constitution -- "the right of the people to keep and bear arms" -- was passed by Congress in 1789 and ratified two years later. So, it does not, of course, explicitly declare a right to have a semiautomatic rifle, a version of which wasn't invented until about a century later.

The U.S. Supreme Court also has not explicitly declared a constitutional right to semiautomatic rifles.

But semiautomatic rifles, as Ryan suggested with his reference to a hunting rifle, have been widely owned and commonly used for generations. The courts have allowed states to put restrictions on such rifles, but they have long been a legal firearm.

All of the experts cited a 2008 U.S. Supreme Court decision in what is known as the Heller case, the high court's first decision interpreting the Second Amendment since 1939. In a 5-4 ruling, the court said the Second Amendment confers an individual right to possess a firearm for traditionally lawful purposes such as self-defense.

Key excerpts of the decision, which was written by the late Justice Antonin Scalia:

*The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home .... it connotes an individual right to keep and bear arms.*

*Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.*

Heller was a handgun case. But each of the experts told us that the decision has been read to include semiautomatic rifles as being among guns protected by the Second Amendment -- and that any attempt to ban them (not restrict them) would very likely be ruled unconstitutional.

### **Our rating**

Ryan said: "People have a constitutional right to have semiautomatic rifles."

The U.S. Supreme Court decision has not explicitly declared that Americans have a constitutional right to semiautomatic rifles. And states can, within certain parameters, put restrictions on those guns.

But generally speaking, experts told us, semiautomatic rifles are a legal weapon that fall under the Second Amendment right to keep and bear arms.

We rate Ryan's statement Mostly True.