



The Centurion

The student newspaper of Bucks County Community College

How a Comma and the NRA Changed the Constitution

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October 19, 2017

“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.”

These are the words of the founding fathers in the second amendment to the constitution, who sought to protect the people from unjust oppression in 1791.

Last Sunday, over 50 people were killed and over 500 were injured in another mass shooting attack, this time on the bright lights of the Las Vegas strip.

It was the deadliest mass shooting event in American history.

If this tragedy were a one-off occurrence; an aberration or abnormality, perhaps it would be easier to write off those among us who want to pass stricter gun laws as being over dramatic or out of touch with the real America.

But we no longer live in that space.

With that being said, it is important to understand how we arrived here and who is responsible. Curious punctuation, as it turns out, was the impetus for a lobbying organization with 5 million members and a few Libertarian lawyers to change the interpretation of the constitution for a population of over 350 million.

The second amendment reads as just one sentence that contains some oddly placed commas – punctuation that prior to 2008 had gone largely unnoticed.

The original interpretation of the second amendment tended to put more emphasis on the prefatory clause, a “well-regulated Militia,” more than it did the subsequent “bear arms” clause. In fact, the Supreme Court declined to rule four times that the Second Amendment protected an individual’s gun rights *outside of the context of militia’s*.

Even a 1983 Supreme Court case, which weighed an Illinois town’s right to ban handguns, agreed with a lower court ruling that “the right to keep and bear handguns is not guaranteed by the Second Amendment.”

Enter, the National Rifle Association – one of the most powerful lobbying groups in the country. What had originally begun in 1871 as a way for people to improve their marksmanship had shifted in the 1970's to focus on one single issue, halting gun control legislation.

They have become remarkably proficient at this singular task over the last thirty years, already spending more money on lobbying during the first two quarters of 2017 than they did all of 2016 – a sign that they may be feeling outside pressure. But in 2008, they scored their biggest legislative victory, successfully using the curious punctuation of our fore fathers to redefine the fundamental interpretation of the Second Amendment.

District of Columbia v. Heller began when Robert Levy, chairman of the Libertarian Cato Institute, personally financed a lawsuit that would challenge a local law pertaining to the restrictions of handguns in Washington D.C.

In the minds of the NRA, this lawsuit had already been years in the making. For over three decades, the NRA funded legal research. They supported pro-gun rights law review articles. They sponsored various legal seminars. They made hundreds of thousands of dollars in donations to Political Action Committees. They did everything in their power to make the public believe in a fallacy.

And it worked

A Gallup poll showed that in 1959, 60 percent of Americans favored a ban on handguns. That number reduced to 41 percent in the 1970's, and in 2008, the year of the Heller decision, 73 percent of Americans had reversed course, now believing that the constitution actually *already* guaranteed the rights of individual Americans to bear arms.

Ultimately, the Supreme Court ruled 5-4 that “The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that firearm for traditional, lawful purposes, such as self-defense within the home.”

Using the dubious comma's to parse the Amendment, the court ruled that the “the Amendment's prefatory clause announces a purpose, but does not limit or expand the scope of the second part, the operative clause.”

What this really meant is that the sentence fragment “right to bear arms” now superseded the initial clause, “a well regulated militia,” marking a complete 180 in the way the Amendment had been interpreted for over 200 years.

It is important to note that many people feel this is the correct interpretation of the Second Amendment, but I would contest that the founding fathers could no better conceive of a semi-automatic weapon than they could a rocket ship.

Left unchecked for the past 10 years, the ramifications of this landmark decision have extended into the realm of semi-automatic weapons, and the now infamous “bump-stocks,” where we now find ourselves at a pivotal crossroad.

We are not, collectively, as divided on this issue as it may seem at first glance. There is actually real bi-partisan support for certain policies; preventing the mentally ill from purchasing weapons, background checks for private sales at gun shows, even the creation of a federal database to track gun sales draws some Republican support.

We will never be able to stop every lone-wolf attack from happening, but if we pass widely agreed upon, common-sense gun laws, we can at least mitigate their frequency – or carnage. It’s time to stop letting the extremist views of a group containing 5 million people dictate public policy for a nation of over 350 million.