

Why Regulate Guns?

Key takeaways from the *Journal of Law, Medicine & Ethics* article by Reva B. Siegel and Joseph Blocher

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“ In enacting gun laws, the government acts for a majority of citizens who believe that not only their families’ physical safety, but their communities’ fundamental freedoms — to travel, to speak, to learn, to pray, and to vote without fear or intimidation — are at stake. ”

Gun laws protect bodies from bullets — and Americans’ freedom and confidence to participate in every domain of our shared life, whether to attend school, to shop, to listen to a concert, to gather for prayer, or to assemble in peaceable debate.

Too often, the gun debate is presented as if there are constitutional rights on one side (that of gun owners) and only nebulous policy “interests” on the other.

Americans living in fear of gun violence turn to their government to enact gun laws, not simply to keep people from being shot, but also to protect people from being terrorized and intimidated.

It is time to take a full accounting of the reasons gun laws are enacted, so that courts review those laws with attention to the many constitutional values those laws protect.



The risk: There is a wide range of reasons why citizens look to government to regulate guns, and the Courts might extend constitutional protection to the use of guns outside the home without accounting for all of these reasons.



If Second Amendment doctrine limits the government’s interest in regulation to protecting citizens’ physical safety only, courts are likely to ask the wrong questions and demand the wrong kinds of evidence.

A solution: A framework needs to recognize the many dimensions of public life that gun laws protect.

Gun laws are designed to do much more than save lives, and courts evaluating their constitutionality should recognize this.



The Supreme Court has

“ long recognized that a State’s interests in the health and well-being of its residents extend beyond mere physical interests. ”

Alfred L. Snapp & Son, Inc. v. Puerto Rico, ex rel. Barez, 458, U.S. 592, 609 (1982), aff’d, 632 F.2d 365 (4th Cir. 1980).

One powerful illustration:

Guns in schools threaten more than individual students’ physical safety

March For Our Lives filed an Amicus Brief on behalf of young people from Parkland, Florida, to South Central Los Angeles who have been affected directly and indirectly by gun violence, in an effort to



“ acquaint the Court with the pain and trauma that gun violence has inflicted on them, and the hope that their ability to advocate for change through the political process affords them. ”

While one recent headline reported

“356 victims”

of school shootings over the past ten years, the true number of students victimized by guns is many hundreds of times higher. Consider the children who hid, or fled, or were marched out of school with their hands in the air, or who lost friends, or watched their friends die, or woke up with nightmare incidents during that period.

By one count, nearly

250,000

schoolchildren have experienced gun-related school violence since Columbine.

Most teenagers in the United States now report being “very” or “somewhat”, worried about the possibility of a shooting taking place at their school.

Preparing for the possibility of a school shooting, including unannounced active shooter drills with gunshots and fake blood, can be **traumatizing.**



Conclusion:

Gun laws protect the citizenry’s liberty to exercise a wide range of constitutional freedoms, including speech, peaceable assembly, travel, and others.

To ensure that gun laws are strengthened against the risk of judicial invalidation, it is important that these ordinary-life understandings be explicitly articulated in the legislative process.

View the entire article [here.](#)

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