

United States

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Rahimi



Clark Neily

GUNS HAVE PLAYED AN IMPORTANT BUT COMPLEX ROLE IN AMERICAN HISTORY, CULTURE, AND LAW.

GUNS HAVE BEEN USED TO...

EXPLORE FRONTIERS

HUNT FOR FOOD AND SPORT

FIGHT WARS

ASSASSINATE PRESIDENTS

COMMIT CRIMES

AND PREVENT CRIMES.

ON THE ONE HAND, AMERICANS WON THEIR INDEPENDENCE, ENDED SLAVERY, AND HELPED DEFEAT NAZI GERMANY WITH GUNS.



BUT ON THE OTHER HAND, WE ALSO HAVE SOME OF THE HIGHEST RATES OF MURDER, VIOLENT CRIME, AND SUICIDE IN THE DEVELOPED WORLD—

—AND GUNS PLAY A ROLE IN ALL OF THOSE PROBLEMS.

AMERICA IS ONE OF THE ONLY COUNTRIES WHERE THE RIGHT TO OWN A GUN IS EXPLICITLY PROTECTED BY LAW.



THE SECOND AMENDMENT TO THE U.S. CONSTITUTION PROVIDES THAT:

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.

PEOPLE DISAGREE OVER THE MEANING OF THE SECOND AMENDMENT.

SOME SAY IT PROTECTS AN INDIVIDUAL RIGHT TO OWN A GUN—



—WHILE OTHERS CLAIM IT'S ONLY ABOUT ACTUAL GOVERNMENT MILITIAS.

AFTER 200 YEARS OF SILENCE, THE SUPREME COURT HELD IN 2008 THAT THE SECOND AMENDMENT PROTECTS THE RIGHT TO OWN A GUN AT HOME FOR SELF-DEFENSE.

TAP TAP TAP



SCOTUSbug @SCOTUSbug

The Court has issued its opinion in DC v. Heller—it holds that DC's gun ban is unconstitutional and violates people's Second Amendment right to keep guns at home for self-defense.

698

1.1K

6.4K



BUT HELLER LEFT OPEN MANY OTHER QUESTIONS, SUCH AS THE STATUS OF CONCEALED CARRY, THE LEGALITY OF ASSAULT RIFLES AND RED-FLAG LAWS, AND WHETHER CERTAIN CATEGORIES OF PEOPLE LIKE ILLEGAL DRUG USERS AND CONVICTED FELONS CAN BE STRIPPED OF THEIR SECOND AMENDMENT RIGHTS.

ANOTHER GROUP PROHIBITED FROM OWNING GUNS UNDER FEDERAL LAW IS ANYONE SUBJECT TO A DOMESTIC VIOLENCE RESTRAINING ORDER (DVRO).*

WHO COULD ARGUE WITH THAT?

*EXCEPT POLICE, WHOSE POSSESSION OF DUTY WEAPONS IS EXEMPT FROM THAT PROHIBITION.

THIS GUY: ZACKEY RAHIMI.

RAHIMI HAS A HISTORY OF VIOLENCE, INCLUDING SHOOTING GUNS AT PEOPLE AND INTO THE AIR AT A HAMBURGER DRIVE-THROUGH.

RAHIMI ALSO COMMITTED DOMESTIC VIOLENCE, ASSAULTING THE MOTHER OF HIS SON IN A PARKING LOT AND SHOOTING AT A BYSTANDER WHO TRIED TO INTERVENE.



RAHIMI'S EX APPLIED FOR A DOMESTIC VIOLENCE RESTRAINING ORDER, WHICH RAHIMI AGREED TO.

THIS MADE IT ILLEGAL FOR RAHIMI TO POSSESS FIREARMS.



HE WAS SUPPOSED TO GET RID OF THEM ALL—

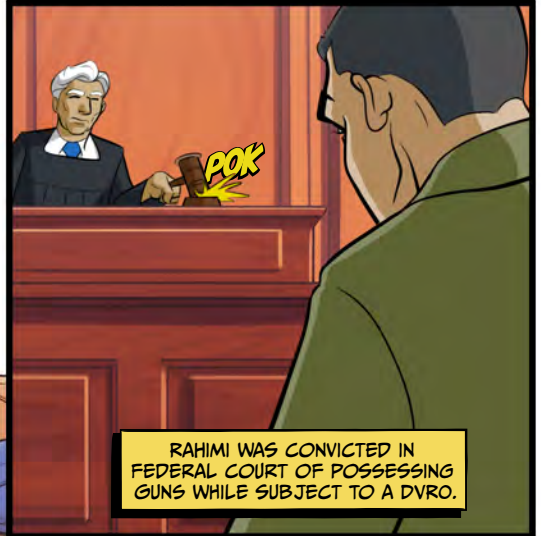


—BUT HE DIDN'T.

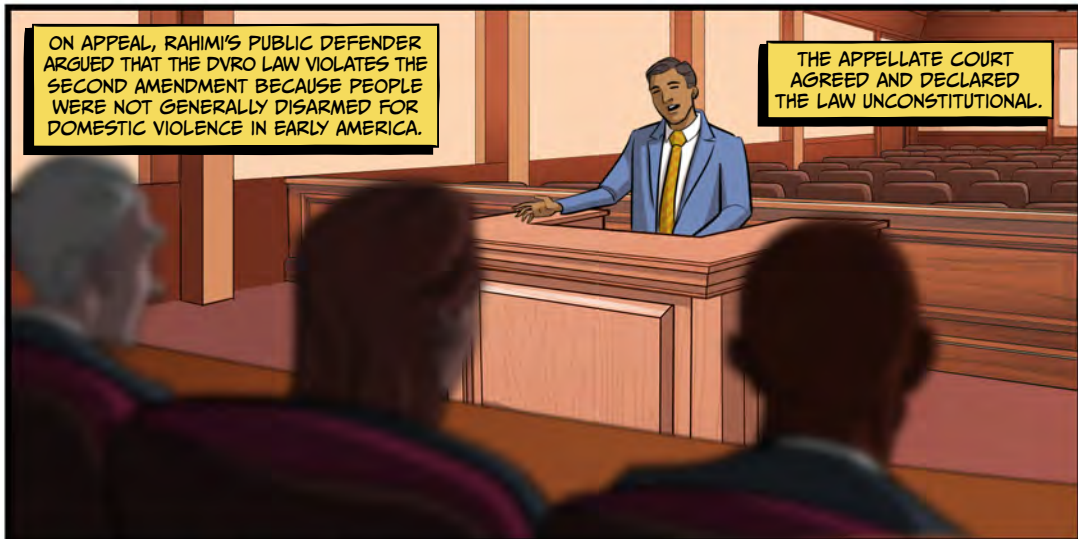
WHILE SERVING A WARRANT FOR OTHER CRIMES, POLICE CAUGHT RAHIMI WITH SEVERAL FIREARMS THAT THE DVRO MADE ILLEGAL FOR HIM TO POSSESS UNDER FEDERAL LAW.



THEY ARRESTED RAHIMI AND TURNED HIM OVER TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.

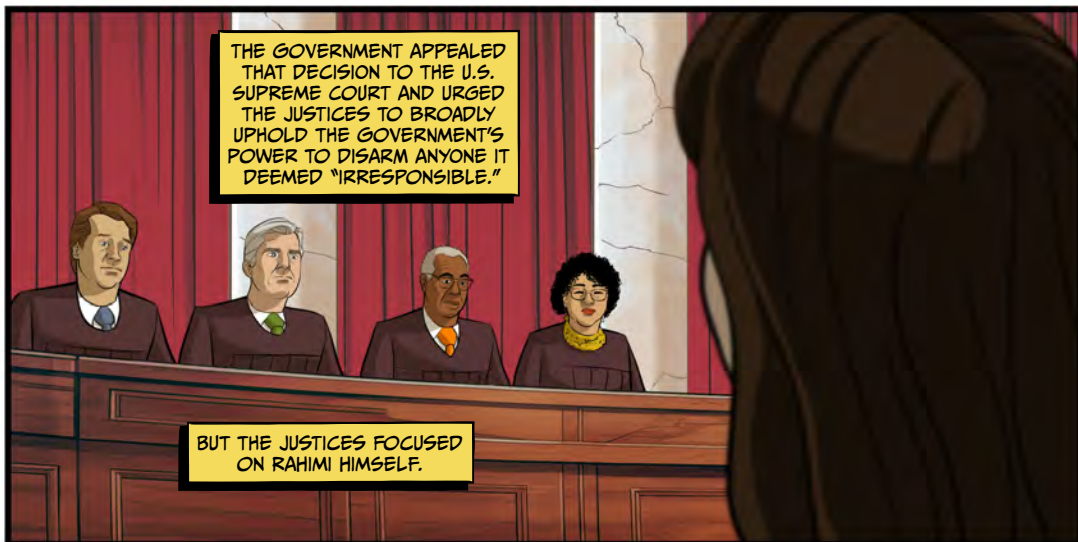


RAHIMI WAS CONVICTED IN FEDERAL COURT OF POSSESSING GUNS WHILE SUBJECT TO A DVRO.



ON APPEAL, RAHIMI'S PUBLIC DEFENDER ARGUED THAT THE DVRO LAW VIOLATES THE SECOND AMENDMENT BECAUSE PEOPLE WERE NOT GENERALLY DISARMED FOR DOMESTIC VIOLENCE IN EARLY AMERICA.

THE APPELLATE COURT AGREED AND DECLARED THE LAW UNCONSTITUTIONAL.



THE GOVERNMENT APPEALED THAT DECISION TO THE U.S. SUPREME COURT AND URGED THE JUSTICES TO BROADLY UPHOLD THE GOVERNMENT'S POWER TO DISARM ANYONE IT DEEMED "IRRESPONSIBLE."

BUT THE JUSTICES FOCUSED ON RAHIMI HIMSELF.



UNSURPRISINGLY, THE SUPREME COURT UPHELD RAHIMI'S CONVICTION AND AFFIRMED THE GOVERNMENT'S POWER TO DISARM PEOPLE WHO, LIKE HIM, HAD BEEN FOUND BY A JUDGE TO BE DANGEROUS.

EIGHT OF THE NINE JUSTICES AGREED THAT THE GUN-DISPOSSESSION LAW WAS CONSTITUTIONAL AS APPLIED TO ZACKEY RAHIMI—



—BUT THEY DISAGREED AMONG THEMSELVES ABOUT THE PROPER WAY TO ANALYZE THIS AND OTHER SECOND AMENDMENT CASES.

THE MAJORITY FOUND THAT A PAIR OF CENTURIES-OLD LAWS ENABLING THE GOVERNMENT TO TEMPORARILY DISARM SOME DANGEROUS PEOPLE AND REQUIRE OTHERS TO POST A BOND WERE SUFFICIENTLY ANALOGOUS TO DEFEAT RAHIMI'S CONSTITUTIONAL CHALLENGE. JUSTICE THOMAS DISSENTED.



THE DISAGREEMENT CENTERED ON WHAT ROLE HISTORY SHOULD PLAY IN INTERPRETING THE MEANING AND SCOPE OF THE SECOND AMENDMENT.

THE JUSTICES WERE PARTICULARLY CONCERNED ABOUT GIVING WEIGHT TO AMERICA'S "HISTORICAL TRADITION" OF GUN OWNERSHIP—

—WHILE NOT LETTING THE LAW BECOME "TRAPPED IN AMBER"—

—AND THUS UNRESPONSIVE TO UNIQUELY MODERN RISKS AND CONCERNS.



BURR

HAMILTON



STAY TUNED...

