Physical safety captures a core purpose of gun regulation, but it does not capture the reasons many Americans enact gun safety laws. Americans who enter politics to enact gun laws seek the freedom to act without fear, in order to exercise constitutionally protected freedoms of many kinds. When government legislates in response, it is doing more than preventing particular deaths—it is protecting the citizenry’s liberty to exercise a wide range of constitutional freedoms, including speech, peaceable assembly, travel, and others.

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A solution:

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

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While one recent headline reported "356 victims" By one count, nearly 250,000 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.

The risk:

If government enforcement standards limit 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.

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. The risk: 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.

It includes the public’s interest in physical safety as a good in itself, and as a foundation for community and for the exercise of many of our most cherished constitutional liberties. As we show, gun laws protect the physical safety of citizens to free them to participate, without intimidation, in a wide variety of domains and activities (family, education, political protest, prayer, commerce, travel, voting).

One powerful illustration:

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.

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.

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Conclusion:

Guns Are a Threat to the Body Politic

To learn more about the rationale for gun regulation, read Guns Are a Threat to the Body Politic.

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Why Regulate Guns?

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

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