

## Lives vs. Toys: What the Gun Debate is Really About\*

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Despite what the NRA would have you believe, the scope of gun-ownership that is protected under the Second Amendment is surprisingly narrow. What is protected is based on three interpretations of the Second Amendment:

1. The strict “militia” interpretation: the right/necessity to own and “bear” a firearm to ensure the sovereignty of the United States or the freedom of the individual states. Originally, this was meant to be a military-grade firearm, kept somewhere safe for use in a militia, if necessary. This interpretation and its application have fallen out of favor over time.
2. The broad “militia” interpretation: that individuals were the militia and therefore had a right to own and bear arms, irrespective of their participation in a militia. This is the interpretation that took hold over time.
3. The personal safety interpretation: that individuals have a right to own guns in the home for personal protection. This simply did not exist prior to the *Heller* Supreme Court decision in 2008. Many people believe that it was a poorly argued and incorrect decision, but as of right now, it’s the law.

From a distance those three would seem to ensure a very broad range of gun-ownership rights, but they do not. America’s history is filled with highly-restrictive gun regulations, very few of which have been found to be unconstitutional. Many towns in the “old west” - where carrying a firearm was standard - were, in fact, gun-free zones where entrants were required to submit their weapons to the local authorities. Many states currently have substantial restrictions, including bans on assault-style rifles and large-capacity magazines, and these have been found to be constitutional. The Supreme Court just refused to hear an appeal challenging California’s 10-day waiting period for *any* new gun purchases, upholding its constitutionality. America’s gun-soaked culture is not a legal construct, but a political one.

In a different political environment, gun-ownership might be legally limited to nothing more than a rifle for use in a state-sponsored militia and a handgun for home protection. Gun owners could be required to keep those guns in their homes at all times, unless unloaded and secured. Even if we expanded lawful gun-ownership in this scenario to account for hunting, the guns *necessary* for that are nothing more than bolt-action rifles and shotguns.

Everything beyond that is an unnecessary toy for a gun enthusiast or a fantasy weapon for a conspiracy theorist.

- You don’t need an assault-style rifle to hunt. It might make it easier and you might like it, but you don’t need it.

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\* A longer version of this article originally appeared on the [The Medium](#).

- You don't need a high-capacity magazine to hunt. If you can't kill a deer with 1 round, let alone 15, you're a shitty hunter.
- You don't even need a semi-automatic rifle to hunt. A bolt-action rifle was good enough for America's deadliest sniper, Chris Kyle, to use in Iraq, so one is good enough for you to hunt with.
- You don't need to own any of these things for target shooting either. If you want to shoot a military-style weapon, go to a specialized gun range and rent one. You can already do this.
- And for the conspiracy theorists who think guns are to protect you the day the government comes for you: if you seriously think that your AR-15 is going to protect you from a government that has tanks, helicopters, and warplanes, well...good luck with that.

The guns that people are defending are not protected under the Second Amendment and are not necessary for the uses which are protected or which are widely accepted as valid (ie, hunting). Gun-rights activists use invalid arguments about the Second Amendment and "freedom" to protect their toys at the expense of our lives. That's the choice they are making: toys over lives. It's time for that to end.

Our lives are more important than your toys.

In Florida, more than 154,000 citizens had their voting rights restored during the last gubernatorial administration's four years. Since 2011, a period of seven years, that figure has plummeted—less than 3,000 people have received restoration. The context of these numbers is not lost on this Court.