

Setting the Record, and the NRA, Straight

On March 27, 2000, LCAV ran an ad in the Opinion-Editorials section of the national edition of the *New York Times*. (Click [here](#) to view the ad.) That morning, LCAV held a press conference announcing the release of an open letter to NRA President Charlton Heston (see letter below) correcting the NRA's misstatements regarding the meaning of the Second Amendment. The fifty prominent academics signing the letter also warned the NRA to stop citing their scholarship to support its fraudulent interpretation of the Constitution. Among those speaking at the press conference were Harvard Law School Professor Laurence Tribe, Yale Law School Professor Akhil Amar and then Brooklyn Law School Professor David Yassky (now a New York City Council Member). More than fifty major news articles and broadcasts nationwide resulted, in an important first step to educating the public about the constitutionality of firearms regulations.

March 27, 2000

Charlton Heston
President
National Rifle Association of America
11250 Waples Mill Rd
Fairfax, Virginia 22030

Dear Mr. Heston

We are law professors and historians who have a deep interest in the Second Amendment and its implications for the regulation of guns and of gun ownership. Our politics run the gamut. But we are united on the vital importance of putting to rest any misperception that the Second Amendment prohibits a wide range of effective and reasonable firearms regulations.

There is room for debate about which firearms policies will best serve Americans. But the law is well-settled that the Second Amendment permits broad and intensive regulation of firearms, including laws that ban certain types of weapons, require safety devices on others, mandate registration and licensing and otherwise impose strict regulatory oversight of the firearms industry. These and similar regulations are fully consistent with the Second Amendment.

The Second Amendment – quoted in full – states 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.” The United States Supreme Court and every federal appellate court to consider the issue have held that the Second Amendment permits a wide range of reasonable gun control laws. And although academic views differ regarding whether the Second Amendment does more than protect the state militia from being disarmed by federal law, we all agree that the Amendment plainly permits reasonable firearms regulations including those set forth above.

The National Rifle Association's repeated suggestions that the Second Amendment somehow stands in the way of effective and reasonable regulation of guns and gun ownership is a distortion of legal precedent and a disservice to all Americans, the great majority of whom support thoughtful firearms policies. The issue at hand transcends the liberal/conservative divide: prominent conservatives like the late Chief Justice Warren Burger and the late Solicitor General Erwin Griswold allied themselves against the NRA's overbroad reading of the Second Amendment. Moreover, as this letter makes clear, it is false and misleading for the NRA to cite any of us or our scholarship as authority for the notion that the Second Amendment prohibits reasonable regulation of the manufacture, transfer, ownership and possession of guns.

We encourage you and your supporters to focus on the real issues facing our country – and it isn't the Second Amendment. The central issue on which we all should focus is what sort of firearms legislation and policies will best prevent the killings and violence that plague our country today.

Sincerely,

Akhil Reed Amar, Yale Law School
Edward Ayers, University of Virginia
Michael Bellesiles, Emory University
Carl T. Bogus, Roger Williams University Law School
Jeff Brand, University of San Francisco Law School
John L. Brooke, Tufts University
Edwin G. Burrows, Brooklyn College
Richard M. Buxbaum, Boalt Hall School of Law
Andrew Cayton, Miami University
Erwin Chemerinsky, University of Southern California Law School
Saul Cornell, Ohio State University
Edward Countryman, Southern Methodist University
Michael C. Dorf, Columbia University
Norman Dorsen, New York University School of Law
David R. Dow, University of Houston Law Center
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Susan Estrich, University of Southern California Law School
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Jack Rakove, Stanford University
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Billy Smith, Montana State University, Bozeman
Samuel C. Thompson, University of Miami School of Law
Laurence H. Tribe, Harvard Law School
Richard Uviller, Columbia Law School
Charles D. Weisselberg, Boalt Hall School of Law
Robin West, Georgetown University Law Center
Welsh S. White, University of Pittsburgh
William M. Wiecek, Syracuse University College of Law
Garry Wills, Northwestern University
David Yassky, Brooklyn Law School
Michael Zuckerman, University of Pennsylvania

cc: Wayne LaPierre, NRA Executive Vice President