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Both sides await Supreme Court ruling on right to bear arms

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The U.S. Supreme Court is on the brink of issuing what could be its most important ruling ever on the controversial Second Amendment right to bear arms.

Gun rights and gun control advocates alike are anxiously awaiting the high court's ruling, the first time since 1939 that the nation's top justices have tackled the Second Amendment. A decision could come this week.

"I feel the founding fathers gave us this right," said Henry Williams, 54, a Raleigh resident who attended the Capital City Gun Show at the N.C. State Fairgrounds on Sunday. "I don't see that anybody has the right to take it away from us."

But Roxane Kolar, executive director of North Carolinians Against Gun Violence, argues that gun rights advocates have misconstrued the Second Amendment. Moreover, she contends, "Most people believe in gun safety and sensible gun legislation."

At issue in the Supreme Court case is Washington, D.C.'s ban on handguns.

That ban was challenged by a D.C. special police officer who is entitled to carry a gun while working as a guard at the Federal Judicial Center but was denied a permit to keep a firearm in his home. The U.S. Court of Appeals for the D.C. Circuit ruled the ban violates the Second Amendment; the district appealed that ruling, and the case was argued before the Supreme Court in March.

The Second Amendment, which was ratified in 1791, states: "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."

That wording is ambiguous enough for both sides of the gun control issue to find comfort. The gun lobby says it grants individuals the right to bear arms. Gun control organizations contend the right to bear arms is restricted to serving in a government-sanctioned militia.

Given that the Supreme Court is currently "a conservative court," the justices "may rule that firearms ownership is an individual right," said Kolar, the gun control advocate.

"To be clear, NCGV does not believe that. We do see the entire Second Amendment as pertaining to militias," she said.

A matter of protection

The Second Amendment certainly was in full force at the Capital City Gun Show. Nearly 5,000 visitors were expected to attend the weekend event, which featured 130 vendors hawking things such as semi-automatic weapons and antique rifles.

Jimmy Fraley, 56, of Cameron drove 60 miles to attend the gun show.



Dan Lowery puts away an antique gun he was trying to sell Sunday at the Capital City Gun Show.
Staff Photo by Jason Arthurs

"I'm always looking to buy guns and ammunition," said Fraley, who estimates he owns about 40 firearms already -- including a handgun stashed in his truck. "A person should, in my feeling, be able to protect his property."

That's not an abstraction for Fraley, who owns a motorcycle and ATV repair shop. About eight years ago a teenager came into his shop and pulled a knife on him, he said.

"I had a pistol laying there in my tool tray," Fraley said. "I just reached in my tool tray and I told that boy, 'I stopped carrying a knife when I was old enough to buy a gun.' And that boy backed off."

Many gun enthusiasts are pleased that the Supreme Court justices have decided to weigh in on the Second Amendment.

"I'm glad they agreed to take it, because I think that it is going to be a favorable ruling," said Steven Elliott, co-promoter of the gun show. "We just don't know how far the ruling is going to go."

"The Second Amendment is the only amendment in the constitution that guarantees all the other amendments," Elliott continued, voicing a sentiment shared by many at the gun show. "Unarmed citizens aren't citizens. They're subjects."

Common sense laws

Kolar is hoping that, if the Supreme Court does overrule D.C.'s handgun ban, it "will also maintain there are state and federal rights to have sensible gun legislation."

She even sees a potential silver lining in a ruling that upholds an individual's right to bear arms.

Kolar contends that groups such as the National Rifle Association have been so afraid of losing that right that they have resisted common sense regulations. If the Supreme Court erases that fear, she said, perhaps both sides could collaborate on legislative and educational efforts to "make sure that those who have firearms are safe and legal gun owners, and those that shouldn't have firearms, don't."

Darryl Cole of Weaverville, who was selling firearms at the gun show, agrees some regulation is necessary.

"I'm pro-gun, but with that comes responsibility," he said. "I don't believe that criminals should have the right to own weapons."

Cole has even been known to impose regulations of his own devising.

"I reserve the right to refuse to sell to somebody if I don't like the way they act," he said.

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