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# LCAV LEGAL COMMUNITY AGAINST VIOLENCE

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## *An Open Letter to the NRA*

March 27, 2000

Mr. 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 issue 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,

(see attached list of endorsers)

cc: Wayne LaPierre, NRA Executive Vice-President

**Academic Endorsers of the Letter to Charlton Heston Regarding the Second Amendment:**

|                       |                                                                                      |                                              |
|-----------------------|--------------------------------------------------------------------------------------|----------------------------------------------|
| 1. Akhil Reed Amar    | Southmayd Professor of Law                                                           | Yale Law School                              |
| 2. Edward Ayers       | Hugh P. Kelly Professor of History                                                   | University of Virginia                       |
| 3. Michael Bellesiles | Professor of History                                                                 | Emory University                             |
| 4. Carl T. Bogus      | Professor of Law                                                                     | Roger Williams University Law School         |
| 5. Jeff Brand         | Professor of Law                                                                     | University of San Francisco School of Law    |
| 6. John L. Brooke     | Stern Professor of American History                                                  | Tufts University                             |
| 7. Edwin G. Burrows   | Professor of History                                                                 | Brooklyn College                             |
| 8. Richard M. Buxbaum | Professor of Law                                                                     | Boalt Hall School of Law                     |
| 9. Andrew Cayton      | Professor of History                                                                 | Miami University                             |
| 10. Erwin Chemerinsky | Sydney M. Irmas Professor of Public Interest Law, Legal Ethics and Political Science | University of Southern California Law School |
| 11. Saul Cornell      | Associate Professor of History                                                       | Ohio State University                        |
| 12. Edward Countryman | University Distinguished Professor                                                   | Southern Methodist University                |
| 13. Michael C. Dorf   | Professor of Law                                                                     | Columbia University                          |
| 14. Norman Dorsen     | Stokes Professor of Law                                                              | New York University School of Law            |
| 15. David R. Dow      | George Butler Research Professor of Law                                              | University of Houston Law Center             |
| 16. Robert R. Dykstra | Professor of History and Public Policy                                               | State University of New York (SUNY) Albany   |
| 17. Susan Estrich     | Robert Kingsley Professor of Law and Political Science                               | University of Southern California Law School |
| 18. Heidi Feldman     | Associate Professor of Law                                                           | Georgetown Professor of Law                  |

|                            |                                                          |                                                           |
|----------------------------|----------------------------------------------------------|-----------------------------------------------------------|
| 19. Don Higginbotham       | Dowd Professor of History                                | University of North Carolina                              |
| 20. Peter Hoffer           | Research Professor of History                            | University of Georgia                                     |
| 21. N.E.H. Hull            | Distinguished Professor of Law and History               | Rutgers University, Camden                                |
| 22. Nancy Isenberg         | Associate Professor of History                           | University of Northern Iowa                               |
| 23. Yale Kamisar           | Clarence Darrow Distinguished University Professor       | University of Michigan Law School                         |
| 24. Michael Kammen         | Professor of American History and Culture                | Cornell University                                        |
| 25. Stanley Katz           | Professor in Public and International Affairs            | Woodrow Wilson School of Public and International Affairs |
| 26. David M. Kennedy       | Donald I. McLachlan Professor of History                 | Stanford University                                       |
| 27. Christopher Kutz       | Associate Professor of Law                               | Boalt Hall School of Law                                  |
| 28. Jill Lepore            | Associate Professor of History                           | Boston University                                         |
| 29. Jan Lewis              | Professor of History                                     | Rutgers University, Newark                                |
| 30. Rory Little            | Professor of Law                                         | Hastings College of Law                                   |
| 31. Ronald Mann            | Professor of Law                                         | University of Michigan Law School                         |
| 32. Mari Matsuda           | Professor of Law                                         | Georgetown University Law Center                          |
| 33. Andrew J. McClurg      | Nadine H. Baum Distinguished Professor of Law            | University of Arkansas at Little Rock School of Law       |
| 34. Mary Beth Norton       | Mary Donlon Professor of American History                | Cornell University                                        |
| 35. Michael L. Perlin      | Professor of Law                                         | New York Law School                                       |
| 36. Jack Rakove            | Coe Professor of History and American Studies            | Stanford University                                       |
| 37. Peter M. Shane         | Professor of Law                                         | University of Pittsburgh School of Law                    |
| 38. Billy Smith            | Professor of History                                     | Montana State University, Bozeman                         |
| 39. Laurence H. Tribe      | Ralph S. Tyler, Jr., Professor of Constitutional Law     | Harvard Law School                                        |
| 40. Richard Uviller        | Professor of Law                                         | Columbia Law School                                       |
| 41. Charles D. Weisselberg | Professor of Law                                         | Boalt Hall School of Law                                  |
| 42. Robin West             | Professor of Law                                         | Georgetown University Law Center                          |
| 43. Welsh S. White         | Professor of Law                                         | University of Pittsburgh                                  |
| 44. William M. Wiecek      | Conadon Professor of Public Law and Professor of History | Syracuse University College of Law                        |
| 45. Gary Wills             | Adjunct Professor of History                             | Northwestern University                                   |
| 46. David Yassky           | Assistant Professor of Law                               | Brooklyn Law School                                       |

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|--------------------------|----------------------|----------------------------|
| 47. Michael<br>Zuckerman | Professor of History | University of Pennsylvania |
|--------------------------|----------------------|----------------------------|

**Note: Institutions are listed for identification purposes only.**

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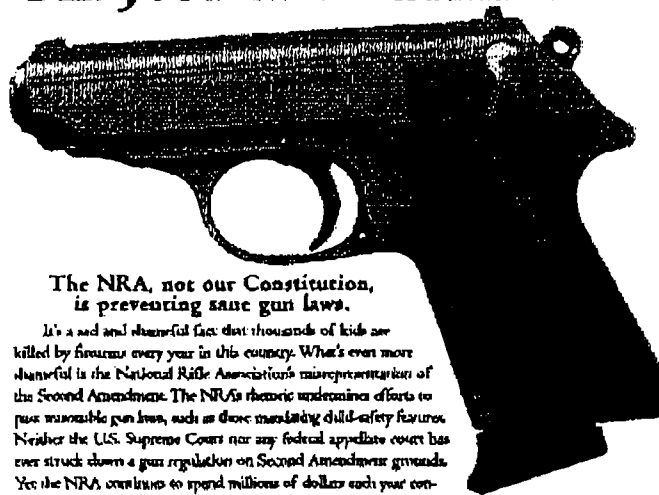
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*New York Times March 27, 2000*

## CHARLTON HESTON DIDN'T WRITE THE SECOND AMENDMENT.

HE JUST ACTS THAT WAY.



**The NRA, not our Constitution,  
is preventing sane gun laws.**

It's a sad and shameful fact that thousands of kids are killed by firearms every year in this country. What's even more shameful is the National Rifle Association's misrepresentation of the Second Amendment. The NRA's rhetoric undermines efforts to pass reasonable gun laws, such as those mandating child-safety features. Neither the U.S. Supreme Court nor any federal appellate court has ever struck down a gun regulation on Second Amendment grounds. Yet the NRA continues to spend millions of dollars each year convincing the public and media that effective gun laws are unconstitutional. Former U.S. Supreme Court Chief Justice Warren Burger called the NRA's interpretation "one of the greatest pieces of fraud, I repeat the word fraud, on the American public by special interest groups that I have ever seen in my lifetime."

Today NRA president Charlton Heston received a letter, signed by many of our nation's most prominent historians and legal scholars, urging the NRA to end its misrepresentation of the Second Amendment.

We're Legal Community Against Violence. We provide legal assistance to communities seeking effective solutions in the national epidemic of gun-related violence. To find out what you can do to save lives in your community, visit our website at [www.lcav.org](http://www.lcav.org).

*The Second Amendment to the U.S. Constitution: "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."*

LEGAL COMMUNITY AGAINST VIOLENCE  
(415) 433-2062 [www.lcav.org](http://www.lcav.org)

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